

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

APPEAL NO. 39 OF 2009
I. A. NO. 79 OF 2009

Dated: 16th March, 2009

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member**

**Himachal Pradesh State Electricity Board ... Appellant/Petitioner(s)
Versus**

Himachal Pradesh Electricity Regulatory Commission ... Respondent/Respondents

**Counsel for the Appellant/ (s) : Mr. M. G. Ramachandran
Ms. Swapna Seshadri**

**Counsel for the Respondent (s) : Mr. Sanjay Sen
Ms. Shikha Ohri**

ORDER

We have heard the counsel for the Petitioner/ Appellant.

Admittedly the merits of the case have not been canvassed in this matter by the counsel for the Appellant. The only grievance is as against the imposition of penalty imposed by the Commission by the order dated 05.04.2008.

It has been specifically mentioned in the appeal as well as in the application for condonation of delay that the Petitioner/Appellant has been pleading before the commission to take on record the various developments taken place, subsequent to the order dated 05.04.2008 and to relieve the Petitioner/Appellant of the penalty imposed through the representation dated

Contd...2

(2)

6.12.2008 but even then the state Commission has not passed any order on the same. Since, Petitioner/Appellant is praying for the waiver of the penalty alone, we feel that it would be appropriate to direct the Petitioner/Appellant to approach the Commission and make further representation requesting for the waiver of the penalty imposed by showing the circumstances like the bonafide conduct and compliance of the main order etc.

Accordingly, we direct the Petitioner/Appellant to approach the Commission and make further representation on the basis of the earlier representation made on 06.12.2008. In that event the Commission may consider the same and pass appropriate orders which it may deem fit, in the light of the circumstances shown by the Appellant/ Petitioner.

With the above observations the Appeal and the Petition are disposed of.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson