

COURT – I

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

Appeal No. 109 of 2008

Dated: 13th September 2010

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice P.S. Datta, Judicial Member**

In the matter of:

Punjab State Electricity Board

.... Appellant (s)

Versus

P.S.E.R./C.& Anr.

... Respondent (s)

Counsel for the Appellant (s) : Mr. Vishron Mukherjee

Counsel for the Respondent (s): Mr. Sakesh Kumar for PSERC
Mr. G. Umapathy

ORDER

We have heard the learned Counsel for the parties. The learned Counsel for the Respondent No.2 submits that they will not draw power from the Grid and if there will be over drawal of power, they are prepared to pay the penalty charges. The learned Counsel for Appellant submits that the Respondent No. 2 could be directed to file the affidavit to the said effect and the same would satisfy the Appellant. On the basis of this submissions of both the parties, we have directed the Respondent to file an affidavit. Accordingly, the affidavit has been filed.

The relevant statement of Respondent No. 2 in the affidavit is quoted below:

“ para 6 : I therefore respectfully pray that this Tribunal may be pleased to dispose of the above appeal with the direction that Respondent No. 2 shall be liable to pay penalty as per the PSEB Regulations for non compliance of peak load restriction in the event of power consumed at Bhatinda is more than the power injected at Ropar, for use at Bhatinda and that PSEB is entitled to impose penalty in accordance with the PSEB’s Regulations”

So, it would be proper to dispose of the appeal by recording the statements made by the learned Counsel through affidavit and orally. It is made clear that Respondent No. 2 will not claim any set off as against the injection of power subsequently.

With these observations, the Appeal is disposed of.

(Justice P.S. Datta)
Judicial Member

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

PK/JS