

Jharkhand State Electricity Regulatory Commission, Ranchi
Form of Proceedings

Case No. 25 of 2014

M/s Usha Martin Limited Petitioner

Versus

Jharkhand Urja Vikash Nigam Limited (JUVNL) & Ors Respondents

For the petitioner : Mr. K. Venugopal, Mr. M.S. Mittal, Mr. B.K. Singh
Sr. Advocates, Mr. Vimal Kirti Singh, Mr. Sidhartha Singh,
Ms Varsa Ramasisaria, Ms Priyanka Singh, Advocates

For the Respondents : Mr. R.P. Bhatt, Sr. Advocate, Mr. Navin Kumar and
Mr. Amit Sinha, Advocates

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
39	16.11.2017	<p>Mr. R.P. Bhatt learned Sr. counsel appearing on behalf of the respondents moved a petition for recall/review of order dated 8.2.2016 in view of judgment dated 10.10.2017 passed by Hon'ble Supreme Court of India in Civil Appeal No. 9740 of 2016 (Jharkhand Bijli Vitran Nigam Ltd. Vrs. Gautam Ferro Alloys and another) and has clarified that this Commission has no jurisdiction to hear the cases of this nature and therefore, the Commission should not proceed with the hearing of this case on merit.</p> <p>Mr. Krishnan Venugopal, learned Sr. counsel appearing on behalf of the petitioner submitted that the respondents had earlier filed an application</p>	

recalling/reviewing the order dated 8.2.2016 passed in this case whereby a preliminary issue of maintainability was heard at length and decided against the respondents by the Commission by order dated 14.6.2016. Therefore, the instant petition filed by the respondents, today for deciding the issue of jurisdiction of the Commission is not maintainable at this stage. Moreover, the petition filed today is barred by limitation and has been filed without an application for condonation of delay in filing the instant application. He has also referred provision of Clause 41.1 of JSERC (Conduct of Business) Regulations, 2016 in support of his contention and submitted that the Commission may at any time, on its own motion, or an application of any of parties, within 30 days of the making of such order review such order and pass appropriate orders as the Commission deem fit. He has further submitted that the instant petition for review/recall the order dated 8.2.2016 has been filed by the respondents after lapse of about 19 months of passing said order. He further submitted that the request for the review of the order dated 08.02.2016 has already been rejected by the Hon'ble Commission on 14.06.2016. The respondent has again filed the petition for recalling the same order.

Learned counsel for the respondents submitted that there has been an error in mentioning the order dated as 08.02.2016 in place of the correct one

	<p>14.06.2016 which is to be recalled/reviewed. The respondent will correct it and file supplementary petition along with a petition for condonation of delay within one week after serving a copy to the counsel for the petitioner. The petitioner may file a reply to the petition filed by the respondents within a period of two weeks and serve a copy to the respondents. Thereafter, the respondents may file rejoinder, if any, within one week.</p> <p>Put up on 12.12.2017 at 11.00 AM.</p> <p>Till then the interim order dated 8.1.2015 shall continue.</p> <p>Sd/- Member (E)</p> <p>Sd/- Chairperson</p>	
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