

Jharkhand State Electricity Regulatory Commission, Ranchi

Form of Proceedings

Case No. 15 of 2015

Central Coalfields Limited Petitioner

Versus

Damodar Valley Corporation and another Respondents.

Sl.No	Date of Proceeding	Proceeding of the Commission with signature	Office action taken with date
1	2	3	4
05	04.08.2015	<p>For the Petitioner: Mr. N.K. Pasari, Advocate.</p> <p>---</p> <p>In this case, the dispute arises out of the terms of the agreement/MoU between the parties.</p> <p>Learned counsel for the petitioner submitted that the Damodar Valley Corporation (in short "D.V.C.") has enhanced the contract demand and imposed penal demand charges @ 1.5 times of the normal demand charge i.e. above 110% of the contract demand contrary to the terms of the agreement effective from 1st April, 1986. He referred to the terms of the agreement and subsequent correspondences including Annexures-1, 3, 4, 10 and 11.</p> <p>Having heard learned counsel, we find that the dispute is based on the alleged breach of the terms of agreement/MoU and does not fall within the ambit of Section 86 (1) (f) of the Electricity Act, 2003. The same cannot be adjudicated</p>	

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upon by the Commission. Reference may be made to the decision of the Hon'ble Supreme Court in **Maharashtra Electricity Regulatory Commission Vs. Reliance Energy Limited and others [(2007) 8 SCC 381]**.

For the reasons aforesaid, the case is not entertainable and is, accordingly, dismissed.

The petitioner, however, is at liberty to approach an appropriate forum for redressal of its grievance.

Sd/-
Member (F)

Sd/-
Chairperson