

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. OF 2012
(Dy.4148/2012)
(For Prel. Hearing)

M/S. WARDHA POWER COMPANY LTD.

Appellant (s)

VERSUS

MAHARASHTRA STATE TRN.CO.LTD & ORS.

Respondent(s)

(With appln(s) for condonation of delay in filing appeal
exemption from filing c/c of the impugned judgment)

Date: 30/04/2012

This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s)

Mr. Harish N. Salve, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Sanjay Sen, Adv.
Mr. Rana S. Biswas, Adv.
Mr. Sunil Sharma, Adv.
Ms. Shikha, Adv.
Mr. Santosh Kumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Exemption allowed.

In the present case, Demand was raised by
Respondent No.1 on M/s. Wardha Power Company
Limited (Appellant herein) on 31st March, 2010,

....2/-

- 2 -

seeking Transmission Charges for the use of
Network of Respondent No.1 in the sum of Rs.9.04
crores for the period 19th December, 2009 till 30th
March, 2010. The appellant herein has paid the
said amount. However, under the impugned order,
the Tribunal has held as follows:

"...That apart, as per clause 5 of
Transmission agreement read with
Regulation 9 of the MERC Open Access
Regulations, the Long Term Open Access
customer is liable to pay transmission
charges for one year, even though the
long term transmission capacity rights
allocated to the Appellant remains
unutilized during that year."

Hence, issue show cause notice.

Leave to amend.

No ad-interim stay.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar