

MA No. 83/2015

in

Petition No. 34/2015

Present for:-

M/s Yogindera Power Ltd.
...Petitioner

Sh. Ajay Vaidya, Advocate alongwith
Sh. Alok Dangwal

The HP State Electricity Board Ltd.,
....Respondent

Sh. Ramesh Chauhan
Authorised Representative
Er. Mahesh Sirkek CE (Comm.)
Er. R.K. Punshi (Consultant)
Er. R. Bhaskar, Dy.,CE (SO & P)

ORDER

MA No. 83 of 2015, which is rejoinder submitted by the petitioner to the short reply filed by the respondent Board, is taken on record.

The Commission has heard the learned Counsels for the parties.

The impugned Order, approving the PPA under REC Mechanism, was issued on the joint petition of the HPSEBL and the petitioner Company and the parties are yet to execute the Agreement in consonance with said approval. So long as the Agreement is not executed the mere approval of its terms has no significance. The parties are free to execute or not to execute the agreement. To constitute an agreement contracting minds of both the parties must be-ad-idem.

It is settled law that any contract which is not based on free violation of the parties or has been induced by force or coercion is void. Thus it is entirely the sweet will of the parties to decide as to whether they would execute or enter into the agreement or not. The Commission will have the jurisdiction to approve the terms the power procurement by the Licensee only, after both the parties i.e., the distribution licensee and the Generator agree to execute the PPA or enter into any agreement. That situation has not yet arisen.

In light of the above, Sh. Ajay Vaidya, Advocate, representing the petitioner prays for the permission to withdraw the petition. The prayer granted and the petition is dismissed as withdrawn.

Dated:10.07.2015

**(Subhash C. Negi)
Chairman**