

**M/s Everest Power Pvt. Ltd. Vs. the HPPTCL**

**MA No. 152 of 2023  
in  
Petition No. 46 of 2021**

**04.08.2023**

Present: Sh. Vipul Sharda, Ld. Counsel for the Petitioner.  
Sh. Vikas Chauhan, Ld. Counsel for the Respondent  
alongwith Sh. Virender Kumar, DGM (C&M) .

**DAILY ORDER**

An application for urgent hearing of the matter has been filed by the Respondent HPPTCL under Section 151 of the Code of Civil Procedure, 1908 read with Regulation 68 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 that consequent upon the disposal of matter by the Hon'ble Central Electricity Regulatory Commission, the matter pending before the Commission has become infructuous but still the transmission charges are not being paid by the Petitioner and the Petition be urgently taken up. The application is duly supported by an affidavit.

Sh. Vipul Sharda, Ld. Counsel appearing for the Petitioner states that the matter may be taken up as prayed but the Senior Counsel could not appear from New Delhi and time be granted for hearing the matter.

Sh. Vikas Chauhan, Ld. Counsel for the Respondent states that the Petitioner without paying any transmission charges ever since 14.09.2021 are evacuating the power through the transmission line owned by the Respondent HPPTCL and it has become difficult for the HPPTCL to

maintain and operate the line. It is submitted that the Petitioner had obtained an order of injunction from the Hon'ble High Court in CWP No. 7763 of 2021 against the order dated 27.11.2021 passed by the Commission, which was vacated by the Hon'ble High Court on 31.05.2023, granting time of two months to the Petitioner to approach the Hon'ble APTEL for the appropriate order, against the order of the Commission, while disposing off the CWP No. 7763 of 2021. However, the Petitioner has neither approached the Hon'ble APTEL, against the order dated 27.11.2021 passed by this Commission nor has made the payment of transmission charges and now the arrears have become Rs. 53,04,19,176/- uptill June, 2023.

We have carefully gone through the contents of the application and the submissions of the Ld. Counsel and are of the view that it is in the interest of justice and parties to take up the matter today for urgent hearing. Hence, the Petition is taken up today.

Heard. Sh. Vipul Sharda, Ld. Counsel for the Petitioner states that two weeks time be granted for seeking instructions and that the Petitioner has approached Hon'ble APTEL against the order of the Hon'ble CERC and matter is listed on 08.08.2023. The prayer is opposed by Sh. Chauhan, Ld. Counsel for the Respondent that the Petitioner has eluded the payment of transmission charges without any reason and it has become difficult for the HPPTCL to sustain, and also to maintain and operate the transmission line without payment of transmission charges as the HPPTCL has transmitted the

Power of the Petitioner without any interruption. He also submits that order of the Commission dated 27.11.2021 has not been stayed by the Hon'ble APTEL and that recovery of transmission charges has not been stayed.

The Petitioner has been using the transmission system of the Respondent, HPPTCL since 2019 when they started evacuating power from their project and no transmission charges have been paid by the Petitioner, M/s Everest Power Pvt. Ltd., ever since the demand of transmission charges was raised vide invoices dated 14.09.2021 and 01.10.2021 by the HPPTCL. The payment of transmission charges is necessary for maintenance and operation of the transmission line which is owned by the HPPTCL and for the financial sustenance of the transmission utility. In the circumstances, the Commission directs the Petitioner to deposit 35% of the transmission charges as accrued upto 31<sup>st</sup> July, 2023 in respect of 220 kV D/C Charor-Banala line within a week and submit the compliance report to the Commission, accordingly.

List this matter for compliance on 16.08.2023 at 11:00 AM.

-Sd-	-Sd-	-Sd-
<b>(Shashi Kant Joshi)</b>	<b>(Yashwant Singh Chogal)</b>	<b>(Devendra Kumar Sharma)</b>
<b>Member</b>	<b>Member (Law)</b>	<b>Chairman</b>