

The HPPTCL Versus the HPSEBL

MA No. 251 of 2024

20.01.2025

Present: Sh. Harsh Mohan for the Petitioner.
Sh. Kamlesh Saklani, Authorised Representative for
the Respondent.

DAILY ORDER

This Petition under Section 94 (1) (f) of the Electricity Act, 2003 has been filed seeking review of order dated 12.06.2024 in Petition No. 28 of 2024.

An application for condoning the delay of 74 days has been filed that on execution of the revised "Online Lending Agreement" signed by the Petitioner with the GoHP on 04.07.2024, the HPERC was apprised vide letter No. HPPTCL/C&M/ HPERC Correspondence/5346- 53 dated 08.08.2024 to take Suo Moto cognizance of the terms and conditions of the debt disbursed and to revise the approved ARR/ transmission charges considering the online lending agreement but the HPERC vide letter dated 07.09.2024 asked the Petitioner to file a separate Petition. As such, a delay of 74 days has occurred in filing the Petition. The application is supported by an affidavit.

In reply, the contents of the application have been denied that the Petitioner has failed to offer any satisfactory explanation for condoning the delay and has not been able to establish any

genuine or unavoidable circumstances, as such, explanation is not satisfactory and application be dismissed. The reply too is also supported by an affidavit.

We have heard the parties and have perused the record. It is apparent from the reply that soon after signing the online lending agreement, the matter was taken up with the HPERC on administrative side but since the Commission had passed the order in exercise of the powers under Section 86 of the Electricity Act, 2003, only a petition under the provision of Electricity Act was tenable. In the circumstances, the explanation given for condonation of delay appears to be bonafide. The application is therefore considered and allowed and the delay is condoned. The application is disposed off, be tagged to the file for record.

The Review Petition be registered.

Sh. Saklani, Authorised Representative states that reply to the Review Petition has already been filed. Rejoinder has also come on record.

List on 03.03.2025 for hearing.

-Sd-

(Shashi Kant Joshi)
Member

-Sd-

(Yashwant Singh Chogal)
Member (Law)

-Sd-

(Devendra Kumar Sharma)
Chairman