Before the Appellate Tribunal for Electricity

(Appellate Jurisdiction)

Appeal No.158 of 2011

Dated: 21st October, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson

Hon'ble Mr. V.J. Talwar, Technical Member

Harvest Energy Pvt. Limited ... Appellant(s)

Versus

M.P. State Electricity Regulatory Commission & Ors.Respondent(s)

Counsel for the Appellant(s): Mr. G. Umapathy
Mr. Rohit Singh

ORDER

This Appeal has been filed by the Appellant as against the impugned Order dated 11.08.2011. The Appellant had filed a Petition before the State Commission for fixation of tariff for procurement of power from biomass based projects for a period beyond 31.03.2012. However, the said petition was rejected by the Commission stating that the Petition was premature. However, the commission held that the appellant's request for early finalization of tariff for the next control period will be considered at the appropriate time and directed the Appellant to submit suggestions and comments as and when process of determination of tariff is initiated.

The prayer made before the State Commission itself shows that the Commission was requested to fix the tariff for procurement of power from biomass based projects for the period beyond 31.03.2012, considering the promotion of projects as main criteria. Therefore, the decision taken by the Commission that it could not be decided at that stage as is was premature, and it will be considered at the appropriate time for initiating the process, is perfectly justified.

Therefore, we do not find any ground to admit the Appeal. However, we deem it appropriate to direct the Commission to start the process for finalization of tariff for the period beyond 31.03.2012 at an early date, so that the process could be completed before 31.03.2012.

Accordingly, the Commission is directed to initiate the proceedings before 01.12.2011, so that it would be completed within 120 days as prescribed by the provisions of the Act.

The Appellant is at liberty to urge all the contentions raised in this Appeal before the State Commission during the proceedings. With these observations, this Appeal is disposed of.

(V.J. Talwar) Technical Member (Justice M. KarpagaVinayagam) Chairperson