

**BEFORE THE HON'BLE MEGHALAYA STATE
ELECTRICITY REGULATORY COMMISSION
SHILLONG, MEGHALAYA**

Case No. 34/2023

IN THE MATTER OF:

Petition for approval of True-up of Generation Business for FY
2022-23

AND

Meghalaya. Power Generation Corporation Limited (MeGCL)
...Petitioner

AND IN THE MATTER OF:

Sections 62 and 64 of the Electricity Act, 2003 and Regulation
11 of the Meghalaya State Electricity Commission Muti-Year
Tariff Regulations, 2014

The Humble application of

The Petitioner MePGCL

MOST RESPECTFULLY SHOWETH:

1. That the instant application is being filed by the Petitioner (MePGCL) bringing on record the order passed by the Hon'ble High Court of Meghalaya dated 23.07.2024 passed in WP (C) No. 216 of 2024 *Meghalaya Power Generation*

M. Myrjyoti
Superintending Engineer (P&RM),
O/o the Director (Generation),
MePGCL, Shillong.

Corporation Ltd vs Meghalaya State Electricity Commission.
 The Petitioner seeks re-hearing of its petition for True-up of Business for FY 2022-23 in terms of the order dated 23.07.2024 passed by the Hon'ble High Court. A Copy of the Order dated 23.07.2024 passed in WP (C) No. 216 of 2024 *Meghalaya Power Generation Corporation Ltd vs Meghalaya State Electricity Commission* is annexed herewith and marked as **Annexure A/1**.

2. That it is submitted that the Petitioner had filed its petition True-up of Business for FY 2022-23 on 29.11.2023.
3. This Hon'ble Commission vide order dated 05.06.2024 passed the True-up order on the petition of the Petitioner.
4. The said order was passed in absence of the Chairman / Chairperson of this Hon'ble Commission and was in contravention of Regulation 18(3) of the MSERC (Conduct of Business) Regulations, 2006 and on a number of other grounds. There was no quorum and it is settled principles of the law that one who hears shall decide the matter. It is also not in dispute that the Chairman of the Hon'ble Commission retired on 12.05.2024 before the order dated 05.06.2024 and 06.06.2024. Therefore the orders above were no orders in the eyes of law. In other words, the orders dated 05.06.2024 and 06.06.2024 were *non-est*.
5. That it is submitted that the True-up order dated 05.06.2024 was challenged by the Petitioner before the Hon'ble High Court of Meghalaya vide WP (C) 216 of 2024. The Hon'ble High Court vide order dated 25.06.2024 stayed the impugned order 05.06.2024. A copy of the order dated 25.06.2024

M. Nupur Chelak
 Superintending Engineer (P&RM)
 O/o the Director (Generation),
 MsPGCL, Shillong.

passed in WP(C) 216 of 2024 by the Hon'ble High Court of Meghalaya is annexed herewith and marked as ANNEXURE A/2.

6. That it is submitted that a statement was made by the counsel of the Commission that the orders dated 05.06.2024 and 06.06.2024 will be taken up for reconsideration afresh by this Hon'ble Commission. The said statement was duly noted by the Hon'ble High Court vide order dated 23.07.2024. It is also relevant to mention here that the order was also passed by the Hon'ble High Court in the presence of one of the consumers i.e., Byrinhat Industries Association. v
7. .
8. That it is submitted that in view of the statement made on behalf of the Commission, the prayer of the Petitioner in the Writ Petition was duly accepted and no lis survived in the Writ Petition. The Hon'ble High Court after noting the submissions closed the Writ Petition with liberty to reargue the matter afresh before this Hon'ble Commission.

PRAYER

In premises of the aforesaid, it is most humbly prayed that this Hon'ble Commission may be pleased to grant the following:

- i. Re-hear the petition filed by Meghalaya Power Generation Corporation Ltd for True-up of Business for FY 2022-23 on 29.11.2023 in terms of the order dated 23.07.2024 passed by the Hon'ble High Court of Meghalaya in WP (C) 216 of 2024;
- ii. Consequently recall the order dated 05.06.2024 and pass fresh orders; and

M. Myngyab
 Sr. Consulting Engineer (P&RM)
 O/o the Director (Generation),
 MePGCL, Shillong.

- iii. Pass any other order which the Hon'ble Commission deems fit and proper in the facts and circumstances of the instant case.

It is prayed accordingly.

AND FOR THIS ACT OF KINDNESS THE HUMBLE
PETITIONER SHALL FOREVER BE GRATEFUL.

For Meghalaya Power Generation Corporation Limited



Authorised Signatory
Superintending Engineer (P&RM).
O/o the Director (Generation),
MePGCL, Shillong.

Filed on: 31.07.2024

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AFFIDAVIT


I, Smti Markordor Lyngdoh, D/o (L) L. Nongseij, aged about 46 years, the Superintending Engineer of Meghalaya Power Generation Corporation Limited, Shillong having office at MeECL Healdquarters, Lumjingshai, Short Round Road, Shillong – 793001, do hereby solemnly affirm and state as under:

1. That I am the Superintending Engineer of Meghalaya Power Generation Corporation Limited, Shillong and in my official capacity I am conversant with the facts and records of the case and competent and authorized to swear this affidavit on behalf

M. Lyngdoh
Superintending Engineer (M.P.G.C.L.)
D/o the Director (Generation).

of Respondent Meghalaya Power Generation Corporation Limited.

2. That the accompanying application on behalf of Respondent Meghalaya Power Generation Corporation Limited is true and correct to the best of my knowledge and belief and information received and believed to be correct as derived from the official records of the Respondent Meghalaya Power Generation Corporation Limited.
3. That to the best of my knowledge nothing in the accompanying application is false and nothing material has been concealed therefrom.


DEPONENT
*Superintending Engineer (P&RM),
O/o the Director (Generation),
MSPGCL, Shillong.*

VERIFICATION:

Verified on this the 31st day of July, 2024 at Shillong that the content of the above affidavit is true and correct to the best of my knowledge and belief and information received and believed to be correct as derived from the official records of the Respondent Meghalaya Power Generation Corporation Limited and that nothing is false and nothing material has been concealed therefrom.

DEPONENT
*Superintending Engineer (P&RM),
O/o the Director (Generation),
MSPGCL, Shillong.*