

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


Case No. 35/2023

IN THE MATTER OF:

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

AND

Meghalaya Power Transmission Corporation Limited (MePTCL)
...Petitioner


Director (Transmission)
Meghalaya Power Transmission Corporation Ltd.
Linn Jinnstai Shillong

AND IN THE MATTER OF:

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

The Humble application of

The Petitioner MePTCL

MOST RESPECTFULLY SHOWETH:


1. That the instant application is being filed by the Petitioner (MePDCL) bringing on record the order passed by the Hon'ble High Court of Meghalaya dated 23.07.2024 passed in WP (C) No. 217 of 2024 *Meghalaya Power Transmission*



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. 217 of 2024 Meghalaya Power Transmission 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 Transmission 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) 217 of 2024. The Hon'ble High Court vide order dated 25.06.2024 stayed the impugned


Director (Transmission)
Meghalaya Power Transmission Corporation Ltd
Lum Laikhat, Shillong

order 05.06.2024. A copy of the order dated 25.06.2024 passed in WP(C) 217 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.
7. 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) 217 of 2024;
- ii. Consequently recall the order dated 05.06.2024 and pass fresh orders; and

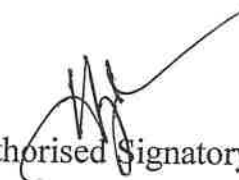

Director (Transmission)
Meghalaya Power Generation Corporation Ltd
Lum Jangshai, Shillong

- 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 Transmission Corporation Limited



Authorised Signatory

Filed on: 31.07.2024

Director (Transmission)
Meghalaya Power Transmission Corporation Ltd.
Lum Jingshai, Shillong

BEFORE THE HON'BLE MEGHALAYA STATE
ELECTRICITY REGULATORY COMMISSION

SHILLONG, MEGHALAYA

Case No. 35/2023

IN THE MATTER OF:

Petition for Approval of True-up of Transmission Business for
FY 2022-23

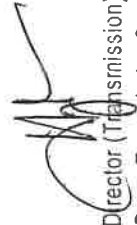
AND

Meghalaya Power Transmission Corporation Limited (MePTCL)
...Petitioner

AFFIDAVIT

I, Johannesburg Hynniewta , S/oShri G R. Lyngdoh, aged about 57 years, the Director (Transmission) of Meghalaya Power Transmission 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 Director (Transmission) of Meghalaya Power Transmission 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 of Respondent Meghalaya Power Transmission Corporation Limited.


Director (Transmission)
Meghalaya Power Transmission Corporation Ltd.
Lum Jingshai, Shillong

2. That the accompanying application on behalf of Respondent Meghalaya Power Transmission 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 Transmission 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

Director (Transmission)
Meghalaya Power Transmission Corporation Ltd.
Lum Jingshai, Shillong

VERIFICATION:

Verified on this 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 Transmission Corporation Limited and that nothing is false and nothing material has been concealed therefrom.



DEPONENT

Director (Transmission)
Meghalaya Power Transmission Corporation Ltd.
Lum Jingshai, Shillong



Serial No. 08
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 217 of 2024

Date of Decision: 23.07.2024

Meghalaya Power Transmission
Corporation Limited

.... **Petitioner(s)**

- **Versus** -

1. Meghalaya State Electricity Regulatory Commission,
Through its Secretary, having its office at 1st Floor,
Front Block, Left Wing, New Administrative Building,
Lower Lachumiere, Shillong.

.... **Respondent(s)**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. A. Kumar, Senior Adv. with
Mr. A.S. Pandey, Adv.
Ms. A. Thungwa, Adv.

For the Respondent(s) : Mr. S. Jindal, Adv. with
Ms. B. Jyrwa, Adv. (For R 1)
Mr. S. Thapa, Adv.

i) Whether approved for reporting in
Law journals etc.: Yes/No

ii) Whether approved for publication
in press: Yes/No



(ORAL)

1. Mr. A. Kumar, learned Senior counsel assisted by Mr. A.S. Pandey, learned counsel for the petitioner prays that he may be allowed to withdraw the instant writ petition, as a statement has been made by the learned counsel for the respondent No. 1, that the matter will be taken up for reconsideration afresh, by the Regulatory Commission.
2. Mr. S. Jindal, learned counsel for the respondent No. 1 concurs to the submission made by the learned Senior counsel for the petitioner.
3. Prayer is allowed, it is made clear that this Court has not gone into the merits of the case.
4. Accordingly, the matter stands closed on withdrawal, with liberty to the petitioner to re-agitate the matter afresh, before the respondent No. 1.

JUDGE

Meghalaya
23.07.2024
"V. Lyndem-PS"

Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 217 of 2024

Date of Order: 25.06.2024

Meghalaya Power Transmission Corporation Limited Vs. Meghalaya State Electricity Regulatory Commission

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. A. Kumar, Sr. Adv. with
Ms. A. Thungwa, Adv.

For the Respondent(s) :

Heard Mr. A. Kumar, learned Senior counsel assisted by Ms. A. Thungwa, learned counsel for the petitioner.

Issue notice to the sole respondent, returnable within 2(two) weeks.

The learned Senior counsel has drawn the attention of this Court to the orders dated 05.06.2024 and 06.06.2024, which he contends have been passed in violation of the Section 10 of *The Meghalaya State Electricity Regulatory Commission (Conduct of Business) Regulations, 2007*, which prescribes that the quorum for the

Commission should be at least two, including the Chairperson, and also Section 18 (3), which specifically provides that all orders of the Commission shall be signed and dated by the Chairperson and Members hearing the matter and shall not be altered except to correct any apparent error.

It is further submitted that the impugned orders herein have been passed by a sole Member one Shri R.K. Soni, Principal District & Session Judge (Retd.), sitting singly, inasmuch as, the Chairperson had retired on 12.05.2024.

On hearing the learned Senior counsel for the petitioner, prima facie it appears that the matter deserves further consideration, and at that this stage interim orders are called for.

Accordingly, in the interim the impugned orders 05.06.2024 and 06.06.2024 shall remain stayed, until the next date.

List this matter on 16.07.2024.

JUDGE

Meghalaya
25.06.2024
"V. Lyndem-PS"

