WP(C)No.356/2012

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

In the course of hearing, this Court put the following pointed questions to the party:

1. What is the difference between cross subsidy surcharge and the surcharge?

2. The consumer has the liability to pay cross subsidy surcharge under Sections 42, 38-40 and under Section 2(15) of the Electricity Act, 2003, is this applicable in the present case;

3. Has the Meghalaya State Electricity Regulatory Commission the jurisdiction to make the Regulation called "Meghalaya State Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulations, 2012";

4. Under what circumstances or which provisions of the Electricity Act, 2003 and the National Policy framed by the Central Govt. under Section 3 of the Electricity Act, 2003 had been violated by the Regulations 23 & 24 of the said Regulations, 2012?

5. Are the Regulations 23 & 24 of the said Regulations, 2012 repugnant to which the provisions of the Electricity Act, 2003;

6. Can the Meghalaya State Electricity Regulatory Commission make the said Regulations, 2012 in violation of the National Policy, 2005 framed by the Central Govt. in consultation with the State Govt. and the Authority for Development of the Power System under Section 3 of the Electricity Act i.e. National Tariff Policy, 2005 and National Electricity Policy, 2005?

7. Is the Central Commission makes the Regulations under Section 178 of the Electricity Act, 2003.

8. In the case of contradiction of the said Regulations, 2012 made by the Meghalaya State Electricity Regulatory Commission with the National Policy aforementioned, which one will prevail?

9. In the case where the consumer is compelled to avail power supply through open access from someone other than

such distribution licencee in whose jurisdiction it is situated, is the consumer liable to pay cross subsidy surcharge?

10. Are the doctrine of pith and substance and principle of repugnancy applicable more particularly to the Regulations 23 & 24 of the said Regulations, 2012?

11. What is the force of law of the National Policy framed by the Central Govt. under Section 3 of the Electricity Act, 2003?

12. What is the meaning of “non-discriminatory provision” appearing in Section 2(47) of the Electricity Act, 2003 while defining the meaning of “open access”?

13. Is the distribution licencee discharging its duty under Section 43 of the Electricity Act, 2003 in the present case?

14. Is the distribution licencee supplying sufficient electricity to the industries i.e. members of the petitioner?

Both the parties prayed for a week’s time for continuing the hearing of this case so that they could prepare for answering the above questions put to them. Accordingly, hearing of this case will continue on *15.04.2015*.

JUDGE **JUDGE**

lam

PIL No.1/2015

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

Mr. ND Chullai, learned Sr.GA appearing for the State respondents prays for further two weeks' time to get the instruction regarding the action taken up by the State Govt. in compliance with the directions of the Apex Court in the judgment and order dated 13.11.2014 passed in ***R.D. Upadhayay v. State of A.P. & Ors***.

Prayer is granted.

List this case on *24.04.2015*.

JUDGE **JUDGE**

Lam

WP(C)No.126/2014
WP(C)No.127/2014
WP(C)No.130/2014
WP(C)No.131/2014
WP(C)No.132/2014
WP(C)No.134/2014
WP(C)No.135/2014
WP(C)No.136/2014

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

As prayed for by Mr. R Deb Nath, learned CGC appearing for the respondents, further one weeks' time is granted to produce the record and also to give clarification as to whether the department had preferred an appeal against the judgment referred in the order of this Court dated 17.12.2014.

List these cases on *15.04.2015*.

Registry is directed to furnish a copy of this order to Mr. R Deb Nath, learned CGC in the course of the day.

JUDGE **JUDGE**

Lam

WP(C)No.203/2012

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

As prayed for by the learned counsel for the petitioner, list this case on *24.04.2015*.

JUDGE **JUDGE**

Lam

WP(C)No.213/2014

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

Exchange of pleadings is complete.

List this case for final hearing on *29.04.2015*.

JUDGE **JUDGE**

Lam

WP(C)No.245/2013

BEFORE
THE HON'BLE MR. JUSTICE T NANDAKUMAR SINGH
THE HON'BLE MR. JUSTICE S R SEN

08.04.2015

As prayed for, list this case on *28.04.2015*.

JUDGE **JUDGE**

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