

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****SPECIAL CIVIL APPLICATION NO. 7117 of 2014****TO****SPECIAL CIVIL APPLICATION NO. 7119 of 2014**

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BAYER VAPI PRIVATE LIMITED (BVPL) &amp; 1....Petitioners

Versus

DAKSHIN GUJARAT VIJ CO LTD - DGVCL &amp; 3....Respondents

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Appearance:

MR SUNIT SHAH, LD.SENIOR COUNSEL WITH MR NV GANDHI, ADVOCATE  
for the Petitioner.

MR ANAL S SHAH, ADVOCATE for the Respondent No. 4

MR M.G.RAMCHANDRAN, LD.SENIOR COUNSEL WITH MR PREMAL R  
JOSHI, ADVOCATE for the Respondent No. 2

NOTICE SERVED BY DS for the Respondent(s) No. 1 - 2

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**CORAM: HONOURABLE MR.JUSTICE S.G.SHAH****Date : 21/05/2014****ORAL ORDER**

1. Heard Mr.Sunit Shah, learned Senior Counsel for the petitioner and Mr.M.G.Ramchandran, learned Senior Counsel with Mr.Premal Joshi, learned advocate for the respondent Nos.1 to 3 and Mr.Anal Shah, learned advocate for respondent No.4.

2. It seems that there is a dispute regarding technical issues, which arises for transmitting electricity through short term open access amongst several industrial units in different areas of the State. The same is being regulated by (Terms and Conditions of Intra-State Open Access) Regulations, 2011 framed by The Gujarat Electricity Regulatory Commission vide Notification No.3/2011 in exercise of powers confirmed under

Section 181 of the Electricity Act,2003. In this regulation, necessary provision is made for non-discriminatory transmission of electricity by open access.

3. At present, the petitioner company is complaining about discrimination by the respondents in performing their duties and, therefore, it is prayed in Para 13(c) of the petition, to hold an inquiry by respondent No.4. However, considering provision of section 73(l) of the Electricity Act,2003, instead of directing respondent No.4- The Gujarat Electricity Regulatory Commission to hold an inquiry, it would be appropriate to direct The Central Electricity Authority constituted u/s.70 of the Act, to carry out an investigation and to hold an inquiry pursuant to facts and details stated in the petition. The Central Electricity Authority shall also consider the reply and counter reply filed by all the parties. **The Central Electricity Authority shall, after verifying the rival contentions, investigate the technical issues regarding constraint in upstream network for short term open access, if any. The Central Electricity Authority shall file its report before this Court in sealed cover on or before 13/06/2014.** All the parties shall provide their respective stand in form of pleadings before The Central Electricity Authority on or before 27/05/2014.

4. The petitioner also contented about non-disclosure of details by respondent No.2 – Gujarat Energy Transmission Corporation Limited, pursuant to regulation No.43(1)(c). If respondent No.2 has not disclosed full details as per aforesaid regulation, they should disclose such information on or before 24/05/2014 on their websites and proof of such disclosure shall be placed before this Court on the next date of hearing.

To be listed on 16/06/2014.

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**[S.G.SHAH, J.]**