



ASSAM ELECTRICITY REGULATORY COMMISSION

ORDER SHEET

FILE NO. AERC.342/2010/Pt-II

PETITION NO: 04/2010

Dated 06.10.2018

**CORAM: HON'BLE SHRI S.C. DAS, CHAIRPERSON
HON'BLE SHRI DIPAK CHAKRAVARTY, MEMBER**

In the matter of

Petition No. 4 of 2010 filed by M/s Eastern India Powertech. Limited in the matter of commercial disputes and Non Payment of contractually due payments by ASEB/APDCL to EIPL

In the matter of

M/s Eastern India Powertech Limited (EIPL)	----	Petitioner
Vs.		
Assam Power Distribution Company Ltd. (APDCL)	----	Respondent-1
Govt. of Assam represented by the Secretary, Dept of Power	----	Respondent-2

ORDER

1. The Commission, vide Order Dated 21.09.2018, decided to appoint Shri Justice(Retd) D Biswas, Former Judge of Hon'ble Gauhati High Court, as the Sole Arbitrator to decide the matter of commercial disputes between M/s Eastern India Powertech Limited (EIPL) and Assam Power Distribution Company Ltd. (APDCL) as raised by the petitioner M/s Eastern India Powertech Limited in Petition No. 04 of 2010 before the Commission.
2. Justice (Retd) D Biswas, Former Judge of Hon'ble Gauhati High Court has given his consent to act as the sole arbitrator in the matter of commercial disputes between M/s Eastern India Powertech Limited and Assam Distribution Company Limited.
3. The consent letter dated 28.09.2018 has been placed on record.
4. Now the Commission has confirmed the appointment of Shri Justice (Retd) D Biswas, Former Judge of Hon'ble Gauhati High Court, as the Sole Arbitrator.
5. The Terms of References for the Arbitration are as under-
 - a. To decide the matter of commercial disputes between M/s Eastern India Powertech Limited (EIPL) and Assam Power Distribution Company Ltd. (APDCL) as raised by the petitioner M/s Eastern India Powertech Limited in Petition No. 04 of 2010 before the Commission.
 - b. The arbitration proceedings shall be governed by the provisions of Arbitration and Conciliation Act 1996 and subsequent amendments.
 - c. The place of arbitration should be in Guwahati. However the exact venue of the proceedings in Guwahati will be decided by the arbitrator.
 - d. The award made by the arbitrator will be under the Arbitration and Conciliation Act, 1996.

- e. The cost of Arbitration Proceedings will be borne by the parties as per the Section 31A and other relevant Sections of the Arbitration and Conciliation Act, 1996 and subsequent Amendments thereof.
 - f. The arbitral award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference as per Section 29A of the Arbitration and Conciliation Act 1996.
 - g. A copy of the award shall be forwarded to the Commission for record.
6. The Petition No. 04 of 2010 is accordingly disposed off.

Let the copy of order along with the copy of the original petition (Petition No. 04 of 2010) be handed over to the arbitrator for further necessary action from his end.

s/d
(S.C.Das)
Chairperson, AERC

s/d
(Dipak Chakravarty)
Member, AERC