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consumer on the ground that initial period of agreement for five years has not expired. Hence, the petitioner is liable to make the payment pertaining to the remaining period of agreement before effecting the power supply under 'Emergency Power Supply' category. The respondent WESCO also cited cases of Mahavir Ferro Alloys Ltd. and SMC Power Generation Ltd. where Emergency Power Supply was given after expiry of five years from the initial power supply period on the orders of GRF.

2. After perusal of case record and hearing the oral submission we find that this is a case of dispute between a consumer and the Licensee. Section 86 (1) (f) of the Act provides for adjudication of dispute between the Licensee and the generating company and refer any dispute for arbitration by the Commission. In the instant case the petitioner is not a generating company but an industry having its own CGP. Even under Electricity Act, 2003 a Generating Company and Industry owning Captive Generating Plant are two distinct legal entities. The respondent WESCO has brought before us a ruling of Apex Court in the case of **Maharashtra State Electricity Distribution Company Ltd. vrs. Lloyds Steels Industries Ltd., AIR SC 1042** that, the complaints of the individual consumers for adjudication is beyond/outside the jurisdiction of the State Commission, since separate forum for redressal of individual costumers/ consumers grievance has been created under Section 42 of the Act. Even the petitioner in its rejoinder himself has admitted that dispute of similar nature in case of M/s. Mahavir Ferro Alloys etc. have been adjudicated upon by Grievance Redressal Forum. By any means of legal stretching a generating plant can't be equated with industry having Captive Generative Plant.
3. Therefore, we are not inclined to admit the case in its present form and direct the petitioner to move Grievance Redressal Forum (GRF) of its area if it desires so.
4. Accordingly, the matter is disposed of.

Sd/-
(B. K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson