

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 498/MP/2020

Subject : Petition under Section 79 read with Section 142 of the Electricity Act, 2003 for execution/implementation of the order dated 4.2.2020 passed in Petition No. 115/MP/2019 including direction to State Load Despatch Centre, Odisha to comply with directions in the said order and direction for payment of amount due to GKEL.

Petitioner : GMR Kamalanga Energy Limited (GKEL)

Respondents : State Load Despatch Centre, Odisha (SLDC) and Anr.

Date of Hearing : 23.6.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Vishrov Mukerjee, Advocate, GKEL
Shri Yashaswi Kant, Advocate, GKEL
Shri R. K. Mehta, Advocate, GRIDCO

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking execution/implementation of the Commission's order dated 4.2.2020 in Petition No. 115/MP/2019 and direction to Respondents, State Load Despatch Centre (SLDC), Odisha and GRIDCO Limited (GRIDCO), to comply with the Commission's directions issued therein. Learned counsel further submitted as under:

(a) The Commission, in its order dated 4.2.2020 in Petition No. 115/MP/2019, *inter-alia*, directed SLDC to correct the PAFM for the Petitioner's Project for the disputed period i.e. from 1.4.2015 to 31.3.2017 based on the original availability declarations made by the Petitioner and GRIDCO to pay the capacity charges along with late payment surcharge on the basis of corrected PAFM within a month from the date of issue of the order.

(b) Pursuant to the said order, SLDC has computed the PAFM for financial year 2016-17. However, SLDC has adopted a different methodology for financial year 2015-16 and did not consider the original availability declaration made by the Petitioner.



(c) GRIDCO has failed to make any payment towards the capacity charges for the financial years 2015-16 and 2016-17 along with late payment surcharge in terms of Commission's order dated 4.2.2020. GRIDCO, vide its letter dated 20.3.2020, has refused to comply with the Commission's order and has reiterated various grounds/contentions, which have already been rejected by the Commission in its order dated 4.2.2020.

(d) As per the Commission's order dated 4.2.2020, Rs.117 crore along with late payment surcharge of Rs. 76 crore is outstanding towards capacity charges against GRIDCO.

3. Learned counsel for the Respondent, GRIDCO, accepted the notice and requested for four weeks' time to file reply to the Petition. Learned counsel submitted that GRIDCO has filed an appeal before the Appellate Tribunal for Electricity against the Commission's order dated 4.2.2020 in Petition No. 115/MP/2020 which is yet to be listed for hearing.

4. After hearing the learned counsels for the Petitioner and the Respondent, GRIDCO, the Commission admitted the Petition and directed to issue notice to the Respondents.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 17.7.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 31.7.2020. The due date of filing of reply and rejoinder should be strictly complied with.

6. Learned counsel for the Petitioner prayed for direction to GRIDCO to pay at least 75% of the outstanding amount as an interim measure. Learned counsel for GRIDCO opposed the prayer of the Petitioner. The Commission decided not to issue any interim direction/relief at this stage.

7. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**

