

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 182/MP/2023

Subject	:	Petition under section 79(1)(f) of the Electricity Act, 2003 seeking appropriate directions to recover the outstanding dues of transmission charges of the Respondents
Date of Hearing	:	5.12.2023
Coram	:	Shri Jishnu Barua, Chairperson Shri Arun Goyal, Member Shri P. K. Singh, Member
Petitioner	:	Central Transmission Utility of India Limited (CTUIL)
Respondents	:	Ind Barath Energy (Utkal) Limited (IBEUL) & 3 Others
Parties Present	:	Ms. Suparna Srivastava, Advocate, CTUIL Ms. Tejasvita Dhawan, Advocate, CTUIL Ms. Divya Sharma, Advocate, CTUIL Shri Yogeshwar, CTUIL Shri Vishrov Mukherjee, Advocate, JSWEL Shri Damodar Solanki, Advocate, JSWEL

Record of Proceedings

Learned counsel for the Petitioner has submitted as follows:

- a. The Petitioner initially filed Petition No. 394/MP/2019, against the Respondent Nos. 1, 2 and 3, namely, Himachal Sorang Power Private Limited (HSPPL), (2) Ind Barath Energy (Utkal) Limited (IBEUL) and (3) Simhapuri Energy Limited (SEL) for directions to recover the outstanding dues of transmission charges of the Respondents through adjustment in charges recovered from the use of Short Term Open Access (STOA).
- b. The Commission, vide order dated 24.1.2020 in Petition No.394/MP/2019, directed the Petitioner to take all necessary steps to recover the outstanding charges from the Respondents as permissible under the law including lodging its claims before the National Company Law Tribunal (NCLT) wherever applicable. The Commission in the said order dated 24.1.2020, further directed that the Respondents shall not be granted Long Term Access (LTA), Medium Term Open Access (MTOA) and Short Term Open Access (STOA) in future unless they clear the outstanding LTA charges.
- c. Against the order of the Commission dated 24.1.2020 in Petition No. 394/MP/2019, one of the generators, namely, HSPPL filed Appeal No. 117 of 2021

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before the Appellate Tribunal for Electricity (APTEL) stating that there was violation of principles of natural justice as it was not issued any notice and heard before passing the said order. The APTEL, vide its order dated 17.2.2023 in Appeal No. 117 of 2021, set aside the Commission's order dated 24.1.2020 to the extent it relates to the Appellant/HSPPL and remanded the matter to the Commission for fresh consideration after issuing notice and hearing HSPPL.

d. HSPPL is transacting power on an STOA basis through POSOCO. The issues pertaining to STOA are within the domain of POSOCO (now Grid Controller of India Limited), and Grid Controller of India Limited should be impleaded as party to the present petition.

e. Corporate Insolvency Resolution Proceedings (CIRP) against IBEUL and SEM are over. IBEUL is now taken over by JSW Energy Limited while SEM is taken over by Jindal Power Private Limited. The Petitioner has filed the amended Memo of Parties on 4.12.2023.

f. JSW Energy Limited (JSWEL), being the newly registered Company, could not be mapped and served on the SAUDAMINI Portal while Jindal Power Private Limited is already mapped and has been served on the SAUDAMINI Portal.

2. Learned counsel for JSWEL submitted that it cannot be impleaded as a party to the present petition because it has emerged as the successful resolution applicant. He further submitted that the claim against JSWEL cannot be pressed before the Commission.

3. After hearing, the Commission directed the Petitioner to implead Grid Controller of India Limited (GCIL) as a party to the present petition, file an amended memo of parties and issue notice by 22.12.2023. The Commission further directed the Respondents to file their replies, if any, by 12.1.2024 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 25.1.2024.

4. The petition shall be listed for further hearing on 8.3.2024.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

