

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 319/MP/2019**

Subject : Petition under Section 79(1)(f) of the Electricity Act 2003 for adjudication of disputes between the Petitioner and the Respondent for direction for payment.

Petitioner : Damodar Valley Corporation

Respondents : BYPL

Date of Hearing: **20.4.2023**

Coram : Shri Jishnu Barua, Chairperson  
Shri I.S Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

Parties Present: Shri M.G. Ramachandran, Senior Advocate, DVC  
Ms. Tanya Sareen, Advocate, DVC  
Ms. Shrishti Khindaria, Advocate, DVC  
Shri Aneesh Bajaj, Advocate, DVC  
Shri Subrata Ghosal, DVC  
Shri Samit Mandal, DVC  
Shri Amit Kapur, Advocate, Advocate BYPL  
Shri Buddy Ranganathan, Advocate, BYPL  
Shri Rahul Kinra, Advocate, Advocate BYPL  
Shri Girdhar Gopal Khattar, Advocate, BYPL

**Record of Proceedings**

At the outset, the learned counsel for the Respondent submitted that the present petition may be listed, after pronouncement of the order in Petition Nos. 239/MP/2019, 54/MP/2021 and 135/MP/2022, dealing with similar issues, as in the present petition. He further submitted that since BRPL and BYPL are sister concerns, the Petitioner may be requested to give an undertaking not to take any coercive action against the Respondent (similar to the undertaking given to BRPL by THDC in Petition No. 54/MP/2021), till a final decision in the aforesaid three petitions.

2. The learned Senior counsel for the Petitioner while pointing out that the matter has been heard at length, did not, however, object to the listing of the present petition, after a final decision of the Commission, in the aforesaid three petitions. He however, submitted that no undertaking will be given by the Petitioner, since the Respondent is liable to make payments, in terms of the orders of the Hon'ble Supreme Court.

3. In response to the above, the learned counsel for the Respondent clarified that all payments have been made to the Petitioner, in terms of the orders of the Hon'ble



Supreme Court and there are no outstanding dues. He further submitted that the payments sought for by the Petitioner was only on account of the payment appropriation methodology unilaterally adopted by the Petitioner and therefore, the Respondent is not liable for the same.

4. Considering the submissions of the parties, the Commission adjourned the hearing of this petition. The Commission, however, directed the Petitioner not to take any precipitative action against the Respondent till the next date of hearing. The Commission also directed the Registry to list this petition, two weeks after the disposal of Petition Nos. 239/MP/2019, 54/MP/2021 and 135/MP/2022.

**By order of the Commission**

**Sd/-**

(B. Sreekumar)  
Joint Chief (Law)

