

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 82/MP/2021

Subject : Petition under section 79(1)(f) of the Electricity Act, 2003 for directions on illegal claim towards the transmission charges for the period 16.6.2013 to 13.8.2013 and capacity charges for the period 16.6.2013 to 26.7.2013 including late surcharge fee by illegal invoking letter of credit by KSK Mahanadi Power Company Limited for the period without supplying power to the petitioners.

Petitioner : Southern Power Distribution Company Limited and others.

Respondents : KSK Mahanadi Power Company Limited and 2 others.

Petition No. 38/MP/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising under the Power Purchase Agreement dated 31.7.2012 between the Petitioner and the Respondents.

Petitioner : KSK Mahanadi Power Company Limited.

Respondents : Telengana SPDCL & 3 others.

Date of Hearing : **27.3.2023**

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

Parties Present : Shri S. Vallinayagam, Advocate, Telangana and AP Discoms
Shri Anand K Ganesan, Advocate, KSKMPCL
Ms. Swapna Seshadri, Advocate, KSKMPCL
Ms. Aishwarya Subramani, Advocate, KSKMPCL

Record of Proceedings

At the outset, the learned counsel appearing for the Respondent KSKMPCL (in Petition No.82/MP/2021) submitted that the said petition filed by the AP discoms, seeking claims against the Respondent, cannot be proceeded with, as the adjudicating authority (NCLT) has declared a 'moratorium' under Section 13 and 14 of the Insolvency and Bankruptcy Code, 2016. He accordingly submitted that this petition may be adjourned *sine die*, pending disposal by the adjudicating authority. The learned counsel added that in view of the above, the hearing of Petition No.38/MP/2022, may also be adjourned.



2. The learned counsel appearing for the Telangana and AP Discoms, did not object to the above submissions, He, however, pointed out that the Respondent KSKMPCL may be directed to place on record, the affidavit of the Insolvency Resolution Professional (IRP), authorizing the learned counsel for the Respondent KSKMPCL, to appear in the matter. This was agreed to by the learned counsel for the Respondent KSKMPCL.

3. Based on the submissions of the parties, the Commission, adjourned the hearing of these petitions, *sine die*. The parties are at liberty to mention the matters for listing, if any, based on the final decision in the proceedings pending before the adjudicating authority. Meanwhile, the Respondent KSKMPCL, is directed to place on record, the affidavit of the IRP, authorizing the learned counsel to appear on its behalf, in the matters, within two weeks from today.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

