

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 136/MP/2022**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri I. S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P.K.Singh, Member**

**Date of Order: 29<sup>th</sup> August, 2023**

**In the matter of**

Petition under Sections 79, 142, 146 and 149 of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduction of Business) Regulations, 1999 against the Respondent/ Tamil Nadu Generation and Distribution Corporation Limited for wilful disobedience of this Commission's final Order dated 04.02.2022 passed in Petition No. 114/MP/2019

**And**

**In the matter of**

**1. GMR Energy Trading Limited,**  
Building No. 302, New Shakti Bhawan,  
New Udaan Bhawan Complex,  
Opposite IGI Airport, Terminal – 3,  
New Delhi – 110037

**2. GMR Warora Energy Limited,**  
Building No. 302, New Shakti Bhawan,  
New Udaan Bhawan Complex,  
Opp. IGI Airport, Terminal – 3,  
New Delhi – 110 037

**... Petitioners**

**Vs.**

**Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),**  
10th Floor, NPKRR Maaligai,  
144-Anna Salai,  
Chennai- 600002

**...Respondent**

## ORDER

The Petitioners, GMR Energy Trading Limited and GMR Warora Energy Limited have jointly filed the present Petition along with the following prayers:

*“(a) Take cognizance of the acts of disobedience and non-compliance committed by TANGEDCO and its officials and take such actions as may be deemed appropriate in terms of Section 142, 146 and 149 of the Electricity Act, 2003 for wilful and deliberate non-compliance of the final order dated 04.02.2022 passed by this Hon’ble Commission in Petition No. 114/MP/2019, as detailed in the present petition;*

*(b) Direct TANGEDCO to forthwith make the payment of Rs. 14.29 Crores (inclusive of LPS calculated till 31.01.2022) to the Petitioner, which is in terms of the Order dated 04.02.2022 passed by this Hon’ble Commission in Petition No. 114/MP/2019;*

*(c) Direct TANGEDCO to forthwith make payment of such LPS amount for the period from February, 2022 till the date of actual payment;*

*(d) In the interim, pass an order for attachment of the bank account of TANGEDCO or any other suitable measure/directions to ensure compliance and implementation of the Order of this Hon’ble Commission dated 04.02.2022 passed in Petition No. 114/MP/2019; and*

*(e) Pass any order or any such orders as this Commission may graciously deem appropriate under the facts and circumstances of the present case and in the interest of justice.”*

2. The Petitioners vide their letter dated 25.8.2023 have submitted that the Commission, vide its order dated 4.2.2022, passed in Petition No. 114/MP/2019 had directed the Respondent, TANGEDCO, to make payment for capacity charges along with the Late Payment Surcharge (LPS) within a month from the issuance of the supplementary bills. It is stated that pursuant to the above, Petitioner No.1 immediately vide its letter dated 16.2.2022 demanded that payment be made in line with the aforesaid order. However, no payment was made by the Respondent TANGEDCO. It is further submitted that the Respondent, TANGEDCO had filed an Appeal No. 333 of 2022 before the Appellate Tribunal for Electricity (the APTEL) against the said order

dated 4.2.2022. The APTEL, vide its judgment dated 7.10.2022, has remanded the matter to the Commission with a direction to consider the matter afresh.

3. The Petitioners have submitted that subsequent to remand, Petition No. 114/MP/2019 was listed for the hearing on 10.8.2022 and the parties were granted an opportunity to file their respective submissions and on the request of the parties, the matter was to be further listed for hearing.

4. The Petitioners have submitted that in view of the judgment of APTEL, the present Petition has become infructuous and accordingly, has sought permission to withdraw the present Petition. The Petitioners have prayed to dismiss the present Petition as withdrawn.

5. The Petition is decided by circulation. In view of the submissions of the Petitioners, the Petitioner is permitted to withdraw the present Petition.

6. Accordingly, the Petition No. 136/MP/2022 is dismissed as withdrawn.

**Sd/-**  
**(P.K.Singh)**  
**Member**

**sd/-**  
**(Arun Goyal)**  
**Member**

**sd/-**  
**(I.S. Jha)**  
**Member**

**sd/-**  
**(Jishnu Barua)**  
**Chairperson**