

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 200/MP/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of Order: 21st July, 2023

In the matter of

Petition under Section 79(1)(b) & (f) of the Electricity Act, 2003 seeking declaration to the effect that MB Power ought not to be substituted by another party under the Power Purchase Agreement executed between HPPC and I IPL for supply of power for the period 1.7.2023 till 30.9.2023.

And

In the matter of

MB Power (Madhya Pradesh) Limited

239, Okhla Industrial Estate, Phase-III,
New Delhi-110020

....Petitioner

Versus

1. Instinct Infra & Power Limited

C-201, Naraina Industrial Area,
Phase – I, New Delhi - 110028

2. Haryana Power Purchase Centre

Plot No. IP-3 & 4, 4th Floor,
Sector-14, Panchkula,
Haryana - 134109

.....Respondents

ORDER

The Petitioner, MB Power (Madhya Pradesh) Limited, has filed the present Petition with the following prayers:

“(a) Direct I IPL and HPPC for procuring 100 MW power from MB Power’s Anuppur Thermal Power Project for the period 01.07.2023 till 30.09.2023 in terms of the LoA and Ld. HERC’s Order dated 16.02.2023 in Petition No. 7 of 2023;

(b) *Hold and declare that MB Power will not be substituted by any another third party as source of supply of power under the power purchase agreement entered into between HPPC and I IPL;*

(c) *Hold and declare that in the eventuality I IPL commences supply of power to HPPC, pending adjudication of the present Petition, from alternate sources from 01.07.2023, then MB Power will be entitled to damages in terms of applicable law; and*

(d) *Pass such other orders that this Hon'ble Commission deems fit in the facts of this case."*

2. The Petitioner, vide affidavit dated 18.7.2023, has submitted that it filed the present Petition on 26.6.2023 seeking relief against the Respondents, Instinct Infra & Power Limited and Haryana Power Purchase Centre. However, pursuant to the filing of the Petition, the Petitioner intends to further examine the matter. Accordingly, the Petitioner has sought permission to withdraw the Petition with the liberty to file a fresh Petition, if required. The Petitioner has also prayed to adjust the filing fee paid in the instant Petition against any Petition to be filed by the Petitioner in the future.

3. The Petition is being decided by circulation. In view of the affidavit filed by the Petitioner, the Petitioner is permitted to withdraw the present Petition with the liberty to file a fresh petition. The filing fees paid in the present Petition shall be adjusted against the Petition to be filed in the future, if any.

4. Accordingly, the Petition No. 200/MP/2023 is disposed of as withdrawn.

Sd/-
(P.K.Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

sd/-
(Jishnu Barua)
Chairperson