

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 60/MP/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of Order: 12th April, 2022

In the matter of

Petition under Sections 79, 142, 146 and 149 of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduction of Business) Regulations, 1999 against the Respondent/ Kerala State Electricity Board Limited for wilful disobedience and the execution of this Commission's final Order dated 31.12.2021 passed in Petition No. 317/MP/2019.

And

In the matter of

Bharat Aluminum Company Limited,
BALCO Nagar, Korba -495 684,
Chhattisgarh

... **Petitioner**

Vs

Kerala State Electricity Board,
Vydyuthi Bhavanam,
Pattom,
Thiruvananthapuram – 695 054, Kerala

... **Respondent**

Parties present:

Shri Hemant Singh, Advocate for the Petitioner

Shri Chetan Garg, Advocate for the Petitioner

Shri Lakshyajit Singh Bagdwal, Advocate for the Petitioner

ORDER

The Petitioner, Bharat Aluminum Company, has filed the present Petition with the following prayers:

“(a) Take cognizance of the acts of disobedience and non-compliance committed by the Respondents 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

31.12.2021 passed by this Hon'ble Commission in Petition No. 317/MP/2019, as detailed in the present petition;

(b) direct the Respondent to forthwith make payment of Rs. 28,22,66,240/-, in terms of the order dated 31.12.2021 passed by this Hon'ble Commission in Petition No. 317/MP/2019, as detailed in the present petition alongwith the payment of Late payment surcharge for the said amount since the due date;

(c) pass an order for attachment of the bank account of the Respondents or any other suitable measure/directions to ensure compliance and implementation of the Order of this Hon'ble Commission dated 31.12.2021 passed in Petition No. 317/MP/2019;

(d) In the interim, pass an order restraining the Respondent from making unilateral deduction of fixed charges on the basis of daily/monthly normative availability from the monthly bills as raised/ to be raised by the Petitioner; and

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

2. The matter was heard on 11.4.2023. During the course of hearing, learned counsel for the Petitioner submitted that the Respondent, Kerala State Electricity Board Limited has filed an Appeal bearing No. DFR 255 of 2022 in the Appellate Tribunal for Electricity (in short 'the APTEL') against the Commission's order dated 31.12.2021 passed in Petition No. 317/MP/2021. Learned counsel further submitted that the Appeal was listed for hearing on 31.3.2023 and during the course of hearing, arguing counsel Shri Hemant Singh submitted that it will neither press for an adjudication of the instant Petition filed by it under Section 142 of the Electricity Act, 2003 in this Commission, nor would it insist on payment of the amount till final order is passed by the APTEL. Accordingly, learned counsel for the Petitioner requested to adjourn the matter.

3. In response to the query of the Commission as to whether any purpose would be served to keep the instant Petition pending till the passing of the final order by the APTEL, learned counsel sought permission to withdraw the instant Petition with liberty

to approach the Commission with fresh Petition, if required. Learned counsel for the Petitioner prayed to adjust the filing fees paid in the present Petition.

4. In view of the submission of learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition. The filing fees paid in the present Petition shall be adjusted against the Petition to be filed by the Petitioner on the subject in future, if any.

5. Accordingly, the Petition No. 60/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