

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**IA. No. 21/2023 in  
Petition No. 58/MP/2023**

**Coram:**

**Shri Jishnu Barua, Chairperson**

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

**Shri Arun Goyal, Member**

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

**Date of Order: 6<sup>th</sup> May, 2023**

**In the matter of**

Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and applicable laws and provisions *inter alia* seeking payment of compensation for breach of provisions of the Power Purchase Agreement dated 21.07.2017 executed by and between Wind Five Renergy Private Limited and PTC India Limited.

**And**

**In the matter of**

Wind Five Renergy Limited,  
Formerly known as Wind Five Renergy Private Limited,  
Through its Authorized Representative  
Adani Corporate House,  
Shantigram, Near Vaishno Devi Circle,  
S. G. Highway, Khodiyar,  
Ahmedabad Gujarat 382421

... **Petitioner**

**Vs**

1. Chairman-cum-Managing Director,  
PTC India Limited  
2<sup>nd</sup> Floor, NBCC Tower,  
15, Bhikaji Cama Place,  
New Delhi- 110 066

2. Managing Director,  
Solar Energy Corporation of India Limited,  
6th Floor, Plate-B, NBCC Office Block,  
Tower-2, East Kidwai Nagar,  
New Delhi-110 023

3. Chairman-cum-Managing Director,  
North Bihar Power Distribution Company Limited,  
Third Floor, Vidyut Bhawan,  
Bailey Road,  
Patna – 800 001, Bihar

4. Chairman-cum-Managing Director,  
South Bihar Power Distribution Company Limited,  
Third Floor, Vidyut Bhawan,  
Bailey Road,  
Patna – 800 001, Bihar

..Respondents

**Parties present:**

Shri Sanjay Sen, Sr. Advocate, WFRL  
Shri Aniket Prasoon, Advocate, WFRL  
Shri Aman Sheikh, Advocate, WFRL  
Shri M.G.Ramachandran, Advocate, SECI  
Ms. Anshushree Bardhan, Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Surabhi Kapoor, Advocate, SECI  
Ms. Aneesh Bajaj, Advocate, SECI  
Shri Ravi Sinha, WFRL  
Shri Dev Hans Kasma, Advocate, PTCIL  
Shri Dhruv Tripathi, PTCIL  
Ms. Rohini Prasad, Advocate, Bihar Discoms  
Shri Alok Mishra, WRLDC  
Shri Debajoyti Majumdar, WRLDC

**ORDER**

The Petitioner, Wind Five Reenergy Limited, has filed the present Interlocutory Application (IA) with the following prayers:

*“(a) Allow the present Application and permit the Applicant to supply power from its project through alternate modes, including Short Term Open Access and Power Exchanges; and/or*

*(b) Pass any order(s) as this Commission may deem fit in the facts and circumstances of the present case.”*

2. The matter was heard on 2.5.2023. During the course of hearing, learned senior counsel for the Petitioner submitted that subsequent to filing of the IA, Western Regional Load Despatch Centre has approved registration of the Applicant in National Open Access Registry on 26.4.2023 and has issued Standing Clearance on 27.4.2023. Learned senior counsel submitted that pursuant to issuance of Standing Clearance, the Applicant is now permitted to schedule power from the

project w.e.f 28.4.2023 to 30.6.2023. Accordingly, the present IA has become infructuous. In view of the above development, learned senior counsel sought permission to withdraw the present IA.

3. Learned counsel appearing on behalf the Respondents, North Bihar Power Distribution Company Limited and South Bihar Power Distribution Company Limited (Bihar Discoms) submitted that Bihar Discoms have no objection if IA is dismissed as withdrawn.

4. In view of the submissions of learned senior counsel for the Petitioner and learned counsel for the Bihar Discoms, the Petitioner is permitted to withdraw the present Petition.

5. Accordingly, IA No. 21/2023 in Petition No. 58/MP/2023 is dismissed as withdrawn.

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

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

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

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