

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.94/MP/2023**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulation 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading license and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondents as per Banking Agreements executed between the Petitioner and the Respondents and seeking revocation of the inter-State trading license granted to Respondent No.1.

Petitioner : Kreate Energy (I) Private Limited (KEIPL)

Respondents : Saranyu Power Trading Pvt. Ltd. (SPTPL) and Anr.

**Petition No.278/MP/2022**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulations 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondent as per the Banking Agreement dated 17.3.2022 and seeking revocation of the interstate trading licence granted to Arunachal Pradesh Power Corporation Private Limited.

Petitioner : Haryana Power Purchase Centre (HPPC)

Respondent : Arunachal Pradesh Power Corporation Pvt. Ltd. (APPCPL)

**Petition No.282/MP/2022**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulations 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondent as per the Banking Agreement dated 29.3.2022 and seeking revocation of the interstate trading licence granted to Kreate Energy (I) Private Limited (formerly Mittal Processors Private Limited).

Petitioner : Haryana Power Purchase Centre (HPPC)

Respondent : Kreate Energy (I) Private Limited (KEIPL)

**Petition No.265/MP/2022 along with IA No. 63/2023**



Subject : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 for adjudication of disputes.

Petitioner : Arunachal Pradesh Power Corporation Pvt. Ltd. (APPCPL)

Respondent : Kreate Energy (I) Private Limited (KEIPL)

Date of Hearing : **9.12.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member

Parties Present : Shri Gopal Jain, Sr. Advocate, KEIPL  
Shri Adarsh Tripathi, Advocate, KEIPL  
Shri Rijul Uppal, Advocate, KEIPL  
Shri Ajitesh Garg, Advocate, KEIPL  
Shri Arijit Maitra, Advocate, IPCL  
Shri Amit Kapur, Advocate, SPTPL  
Shri Akshat Jain, Advocate, SPTPL  
Shri Shikhar Verma, Advocate, SPTPL  
Shri Krishan Singh, Advocate, SPTPL  
Shri Anand Ganesan, Advocate, APPCPL  
Ms. Ritu Apurva, Advocate, APPCPL  
Shri Karthikeyan M, Advocate, APPCPL

### **Record of Proceedings**

At the outset, in response to the specific query of the Commission regarding the completion of the Pleadings in these batch of matters, learned counsel for Respondent, SPTPL, in Petition No. 94/MP/2023, submitted that the Respondent has so far not received any rejoinder of the Petitioner in the said case and hence, the Petitioner, KEIPL may be asked to clarify as to whether it wishes to file any rejoinder in the matter. In response, learned senior counsel for the Petitioner, KEIPL, in the said matter, submitted that KEIPL has already filed its rejoinder. However, KEIPL will again provide a copy of its rejoinder to SPTPL.

2. Learned counsel for the Petitioner, HPPC, in Petition Nos.278/MP/2022 and 282/MP/2022, submitted that the pleadings are completed in these matters. Learned counsel further added that the trading licensees involved in the said cases have consistently defaulted, and despite having proposed the revised offers to return the power under the banking arrangement, they have even failed to adhere to their revised offers.

3. Learned counsel for the Petitioner, APPCPL, in Petition No. 265/MP/2022, submitted that in the said case, the Respondents had challenged the jurisdiction of the Commission to adjudicate the dispute involved between the parties, and the Commission may consider referring to the said to the arbitration under Section 79(1)(f) of the Act.

4. Learned counsel for the Respondent, IPCL, in Petition No. 265/MP/2022, submitted that the Respondent has raised the issue of jurisdiction in the said case. Learned counsel further submitted that the order of the Commission dated 26.6.2023 was challenged by the Respondents before the APTEL in Appeal (DFR) No. 453 of 2023,



wherein the APTEL vide order dated 20.7.2023 remanded the matter back to reconsider the matter on both jurisdiction as well as merits. Learned counsel, however, added that if the Commission comes to the conclusion that the matter does not fall under Section 79(1)(a) to (d) of the Act, then its jurisdiction is completely ousted, including for the appointment of the arbitrator under Section 79(1)(f) of the Act.

5. Learned counsel for the Petitioner, APPCPL, in Petition No. 265/MP/2022, while opposing the aforesaid submission, submitted that as per the judgment of APTEL dated 28.8.2024 in A. No. 309 of 2019, titled MP Power Management Co. Ltd. v. DVC and Ors., the Commission can refer the dispute to the arbitration even if such dispute does not fall within Section 79(1)(a) to (d) of the Act.

6. Learned counsel for the Petitioner, HPPC, in Petition Nos. 278/MP/2022 and 282/MP/2022 submitted that these matters also seek to invoke the relevant provision of the Trading Licence Regulations for the revocation of the trading licence issued to the Respondents therein.

7. After hearing the learned counsels for the parties, the Commission directed the parties to ensure the completion of the pleadings in these cases and file their respective reply and/or rejoinder, if any, within four weeks with a copy to the other side. The Commission also directed the parties to file their comprehensive written submissions/note of arguments on the aspects of (i) jurisdiction under Section 79(1) of the Act, including the authority of this Commission to refer the matter(s) to the arbitration in case the issue involved is not connected with Section 79(1)(a) to (d) of the Act, and also (ii) the merits of the case, on or before 21.1.2025.

8. The Petitions will be listed for hearing on **30.1.2025**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**