

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 47/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 June, 2023

In the matter of

Petition under Sections 79, 142, 146 and 149 of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 against the Respondent No. 1/ Bihar State Power Holding Company Limited and the Respondent No. 2/ PTC India Limited for wilful disobedience in the execution of Order dated 16.12.2022 in Petition No.94/MP/2022.

And

In the matter of

SKS Power Generation (Chhattisgarh) Limited,

Through its Authorized Representative
501B, Elegant Business Park,
Andheri Kurla Road, J.B. Nagar,
Andheri (E), Mumbai- 400059

..Petitioner

VERSUS

1. Bihar State Power (Holding) Company Limited,

Through its Authorized Representative
Vidyut Bhawan, Jawahar Lal
Nehru Marg, Patna Bihar-800021

2. PTC India Limited,

Through its Authorized Representative
2 nd Floor, NBCC Tower,
15 Bhikaji Cama Place,
New Delhi-110 066

....Respondents

Parties present:

Shri Bijo Mattam, Advocate for the Petitioner
Shri Lakshyajit Singh, Advocate for the Petitioner
Shri Harishit Singh, Advocate for the Petitioner
Ms. Rohini Prasad, Advocate for BSPHCL
Shri Keshav Singh, Advocate, PTC

ORDER

The Petitioner, SKS Power Generation (Chhattisgarh) Limited, 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 Sections 142, 146 and 149 of the Electricity Act, 2003 for willful and deliberate non-compliance of the final order dated 16.12.2022 passed by this Commission in Petition No. 94/MP/2022, as detailed in the present petition;

b) direct the Respondents to forthwith make the payment of Rs.89.44 crore, (inclusive of interest of Rs. 14.84 crores) towards the alleged Mis-declaration to the Petitioner, which is in terms of the Order dated 16.12.2022 passed by this Hon'ble Commission in Petition No. 94/MP/2022;

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 Commission dated 16.12.2022 passed in Petition No. 94/MP/2022;

2. The matter was called for hearing on 8.6.2023. During the course of the hearing, learned counsel for the Petitioner submitted that the Respondent, Bihar State Power (Holding) Company Limited has preferred an Appeal before the Appellate Tribunal for Electricity (APTEL) against the order dated 16.12.2022 passed by the Commission in Petition No. 94/MP/2022. Vide an interim order dated 2.6.2023, the APTEL has held that the order under Appeal does not suffer from any illegality so as to warrant stay/suspension of the said order. The APTEL has, however, directed the Respondent, BSPHCL that in compliance with the order of the Commission, instead of refunding the amount to the Petitioner, deposit the said amount with the CERC within a month, and in turn the CERC shall keep the said amount in a fixed deposit with a nationalized Bank for a period of one year and renew the same periodically during the pendency of Appeal No. 499/2023 before APTEL. Learned counsel for the Petitioner submitted that pursuant to the direction of the APTEL, the grievance of the Petitioner stands resolved. Accordingly, the learned counsel for the Petitioner sought

permission to withdraw the present Petition with the liberty to file a fresh Petition in case the need arises.

3. Learned counsel for the Respondent, Bihar State Power (Holding) Company Limited submitted that the Respondent has no objection to the withdrawal of the instant Petition.

4. Considering the submissions of the learned counsels for the parties, the Petitioner is permitted to withdraw the present Petition.

5. Accordingly, the Petition No. 47/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