

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 232/MP/2018
Alongwith I.A. No.57/2018**

Subject :Petition under Section 79(1)(f) read with Section 79 (1)(k) of the Electricity Act,2003 seeking adjudication of dispute arising out of the letter issued by PGCIL dated 2.5.2018, 23.7.2018 and 6.8.2018 which have been issued illegally and arbitrarily and are patently against the scheme of the regulatory framework issued by the Commission.

Date of hearing : 8.8.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Dr. M.K. Iyer, Member

Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Gopal Jain, Senior Advocate, MBPMPL
Ms. Molshree Bhatnagar, Advocate, MBPMPL
Shri Rohit Kumar Gururani, MBPMPL

Record of Proceedings

Learned senior counsel for the Petitioner mentioned the matter and submitted that the present petition has been filed for seeking adjudication of dispute arising out of the letter issued by PGCIL dated 6.8.2018. Learned senior counsel further submitted that PGCIL raised a bilateral non-PoC bill of ₹2.87 crore upon the Petitioner towards transmission charges in compliance with the order dated 27.5.2016 in Petition No.261/TT/2015 and the same letter provides that in case of non-payment of the bilateral non-PoC bill by 13.8.2018, PGCIL would regulate supply of power from the generating station.

2. Learned senior counsel for the Petitioner submitted that the Petitioner has filed an IA seeking direction to PGCIL not to take any coercive action till the disposal of the petition. Learned senior counsel for the Petitioner submitted that the Commission may consider to grant interim injunction against the letter dated 6.8.2018 or in the alternative, the Petitioner may be permitted to furnish a Bank Guarantee for ₹2.87 crore in favour of PGCIL and upon furnishing the Bank Guarantee, PGCIL may be restrained to take any coercive measure.

3. Considering the submissions made by the learned senior counsel for the Petitioner, the Commission directed the Petitioner to furnish the Bank Guarantee of ₹2.87 crore from a bank and in the format acceptable to PGCIL before the due date of 13.8.2018. Upon furnishing the Bank Guarantee for ₹2.87 crore, PGCIL shall not take any



coercive measure on the basis of the letter dated 6.8.2018 till the next date of hearing. Accordingly, the Commission disposed of the IA.

4. The Commission directed the Petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply, by 14.8.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 17.8.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing 21.8.2018.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**