

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 38/MP/2016 along with IAs No. 6/2018 and 36/2019

- Subject : Petition under Sections 79(1)(c) read with 79(1)(f) and 79(1)(k) of the Electricity Act, 2003, inter alia, seeking a declaration that the factors/events, namely, delay in forest clearance of land for main plant, cancellation of allocated coal block, non-signing of Fuel Supply Agreement, delay in acquisition/procurement of land for main plant, delay in approval of land for Ash Pond by State of Odisha, delay in clearance of railway line from Eastern Coast Railway, Odisha, delay in clearance for construction of dedicated transmission line from Ministry of Power in construction of the 2x660 MW coal based Thermal Power Plant located in Dhenkenal, District Odisha as Force majeure events under BPTA dated 24.2.2010 and seeking extension of time period for achieving the Commercial Operation Date of project and other consequential reliefs under the BPTA dated 24.2.2010.
- Petitioner : Lanco Babandh Power Limited
- Respondents : Power Grid Corporation of India Limited
- Date of Hearing : 17.9.2019
- Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member
- Parties Present : Shri Deepak Khurana, Advocate, Lanco
Shri Tejasv Anand, Advocate, Lanco
Shri Aryaman Saxena, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for PGCIL submitted that the Resolution Process for the Petitioner has been initiated pursuant to the order of the National Company Law Tribunal (NCLT), Hyderabad Bench dated 29.8.2018 whereunder the Resolution Professional has been appointed. The order of the NCLT imposes moratorium under Section 14 of the IBC, thereby restraining any proceedings inimical to or encumbering and/or alienating any assets or interest of the Petitioner. Learned counsel submitted that the Petitioner had filed similar Petition No. 38/MP/2019 and the Commission through its order dated 15.2.2019 disposed of the Petition with



liberty to the Petitioner to approach the NCLT. Accordingly, same direction may be issued in the present Petition also.

2. In response to the specific query of the Commission as to whether the Petitioner wants to continue the present Petition or to pursue the matter before NCLT, learned counsel for the Petitioner requested for time to take appropriate instruction from the Interim Resolution Professional and to file affidavit in this regard. Request was allowed by the Commission.

3. The Commission directed the Petitioner to file its affidavit on or before 30.9.2019.

4. The Petition and IAs shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**sd/-
(T.D. Pant)
Deputy Chief (Law)**

