

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.94/MP/2017
Along with I.A. No. 22/2017**

Subject : Petition under Section 79 (1)(f) of the Electricity Act, 2003 read with the relevant provisions of CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 for seeking quashing of notices dated 16.3.2017, 24.3.2017, 6.4.2017 and email dated 19.4.2017 sent by the PGCIL and refund of the payments made under protest by the petitioner against the impugned invoices.

Date of hearing : 6.3.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Petitioner : Bharat Aluminum Company Limited (BALCO)

Respondent : Power Grid Corporation of India Limited (PGCIL)

Parties present : Shri Hemant Singh, Advocate, BALCO
Shri Shariq Ahmed, Advocate, BALCO
Ms. Ranjitha Ramachandran, Advocate, PGCIL
Ms. Poorva Saigal, Advocate, PGCIL
Shri K.K. Jain, PGCIL
Shri Anita A. Srivastava, PGCIL

Record of Proceedings

During the hearing, the learned counsels for the Petitioner and the Respondent, advanced extensive arguments in support of their contentions and reiterated the submissions made in their respective pleadings.

2. Learned counsel for the Respondent objected to the Committee Report and submitted that once CoD has been decided by the Commission it cannot be changed. Learned counsel, in support of its contention, relied upon the Hon'ble Supreme Court judgment dated 27.11.1962 in the case of State of West Bengal Vs. Hemant Kumar Bhattacharjee and Others.

3. Learned counsel for the Petitioner submitted that as per Regulation 112 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, the Commission has the inherent power to make such orders as may be necessary for ends of justice.

4. On the request of the learned counsel for the Petitioner, time to file written submissions was granted to the parties, till 25.3.2019. Subject to this, the order in the Petition and IA was reserved.

By order of the Commission

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