

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 264/MP/2018

Coram:

Shri P.K. Pujari, Chairperson

Dr. M. K. Iyer, Member

Shri I.S.Jha, Member

Date of order: 8th of February, 2019

In the matter of

Petition under Section 79 (1) (c), 79(1) (b) and 79(1) (f) of the Electricity Act, 2003 against the Respondent No. 1 challenging the Notice dated 30.7.2018 for regulating power supply by the Petitioner to its procurers.

And

In the matter of

KSK Mahanadi Power Company Ltd.
8-2-293/82/A, Road No. 22, Jubilee Hills,
Hyderabad- 500033

.....Petitioner

Vs

1. Power Grid Corporation of India Limited
Corporate Office: "Saudamini",
Plot No.2, Sector – 29,
Gurgaon – 122001, Haryana
2. Eastern Power Distribution Company of Andhra Pradesh Ltd
Corporate Office P&T Colony, Seethammadhara,
Visakhapatnam (AP) – 530013
3. Southern Power Distribution Company of Andhra Pradesh Ltd,
D. No: 19-13-65/A, Srinivasapuram Tiruchhanur Road,
Kesavayana Gunta, Tirupati (AP) – 517501
4. Tamilnadu Generation and Distribution Corporation Ltd
NPKRR Maaligai, 144, Annasalai,
Chennai – 600002
5. Madhyanchal Vidyut Vitran Nigam Ltd
4A, Gokhale Marg Lucknow-226001
6. Paschimanchal Vidyut Vitran Nigam Ltd
Urja Bhawan, Victoria Park
Meerut-250001

7. Purvanchal Vidyut Vitran Nigam Ltd
DLW Bhikharipur, Varanasi-221004

8. Dakshinanchal Vidyut Vitran Nigam Ltd
Urja Bhawan, NH-2, Sikandra,
Agra-282002

.....Respondents

Parties Present:

Ms. Swapna Seshadri, Advocate, KSKMPCL
Ms. Parichita Chowdhury, Advocate, KSKMPCL
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Sanjana Dua, Advocate, PGCIL
Ms. Anita A Srivastava, PGCIL

ORDER

The Petitioner, KSK Mahanadi Power Company Ltd., has filed this petition with the following prayers:

- “(a) Quash the termination notice dated 1.8.2018 issued by powergrid pending adjudication of the present petition;
- (b) Hold and direct that the Procurers vide Respondent No.2 to Respondent No. 8 to immediately liquidate all outstanding dues under the respective PPAs to enable the Petitioner to liquidate the amounts to Powergrid and also furnish the payment security mechanisms in terms of the respective PPAs.
- (c) Stay the operation of the Termination notice dated 1.8.2018 pending adjudication of the present petition, and
- (d) Pas an ex-parte ad-interim order in terms of prayer (c) above and confirm the same after notice to the Respondents.”

2. During the course of hearing on 31.1.2019, learned counsel for the Respondent, PGCIL submitted that since PGCIL has withdrawn notice dated 1.8.2018 terminating the Transmission Service Agreement, the prayers made by the Petitioner in the Petition have become infructuous. Accordingly, the Petition may be disposed of.

3. Learned counsel for the Petitioner submitted that though the prayers in the Petition have become infructuous after withdrawal of the notice by PGCIL, certain generic issues relating to the regulations of power supply to other beneficiaries for default of payment of AP Discoms needs to be addressed. On being pointed out that there is no prayer in the Petition with regard to any generic issue, learned counsel sought permission to withdraw the Petition and file a fresh Petition raising the generic issues and requested for waiver of the filing fee for the fresh Petition.

4. After considering the submissions of the learned counsels for the Petitioner and PGCIL, we allow the present Petition to be withdrawn with liberty to file a fresh Petition involving generic issue with regard to regulation of power supply. We further direct that filing fee shall stand waived if the Petitioner files a fresh Petition in this regard.

5. Petition No. 264/MP/2018 is disposed of in terms of the above.

Sd/-
(I.S. Jha)
Member

sd/-
(Dr. .K. Iyer)
Member

sd/-
(P.K. Pujari)
Chairperson