

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 367/MP/2019**

Subject : Petition for execution of order dated 30.4.2019 read with corrigendum dated 29.5.2019 in Petition No. 255/MP/2017 and initiation of proceedings/appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondents for non-compliance of the order dated 30.4.2019 read with corrigendum dated 29.5.2019 passed by the Commission in Petition No. 255/MP/2017.

Date of Hearing : 6.8.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Petitioner : Adhunik Power and Natural Resources Limited (APNRL)

Respondents : West Bengal State Electricity Distribution Company Limited (WBSEDCL) and Anr.

Parties present : Shri M. G. Ramachandran, Sr. Advocate, APNRL  
Shri Deepak Khurana, Advocate, APNRL  
Shri Tejasv Anand, Advocate, APNRL  
Shri Vishrov Mukerjee, Advocate, WBSEDCL  
Ms. Raveena Dhamija, Advocate, WBSEDCL  
Ms. Ameya Vikram Mishra, Advocate, WBSEDCL  
Shri Amit Grivan, APNRL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that vide Record of Proceedings (RoP) dated 30.6.2020, the Respondent, West Bengal State Electricity Distribution Company Limited (WBSEDCL) was directed to pay Rs. 40 crore to the Petitioner towards Change in Law claims. However, out of Rs. 40 crore, WBSEDCL has paid Rs. 15 crore to the Petitioner.

3. Learned counsel for the Respondent, WBSEDCL, submitted that the Respondent has filed a Review Petition against the Commission's Record of Proceedings dated 30.6.2020. Learned counsel submitted that direction given in the said ROP was on the basis that the total outstanding dues of the Petitioner were to the tune of Rs. 138 crore.



However, according to WBSEDCL, outstanding dues of the Petitioner for the Change in Law claims allowed in Petition No. 255/MP/2017 would not exceed Rs. 48 crore and therefore, the said direction in terms of total outstanding dues would amount to payment of more than 100% of the amount payable to the Petitioner. Learned counsel submitted that out of Rs. 48 crore, WBSEDCL has already paid Rs. 25 crore to the Petitioner i.e. more than 50% of the outstanding dues. Learned counsel requested to list the present Petition along with the Review Petition.

4. In response, learned senior counsel for the Petitioner submitted that under the guise of the said Review Petition, WBSEDCL is seeking review of the Commission's original order dated 30.4.2019 read with corrigendum dated 29.5.2019 in Petition No. 255/MP/2017 which is not permissible in law as WBSEDCL has already filed an appeal before the Appellate Tribunal for Electricity against the said order dated 30.4.2019.

5. After hearing the learned senior counsel for the Petitioner and the learned counsel for the Respondent, WBSEDCL, the Commission adjourned the matter.

6. The Petition 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)**

