

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 305/MP/2015

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with the provisions of the Power Supply Agreement dated 5.1.2011 and Power Purchase Agreement dated 25.3.2011 for directions to make Energy Charges as pass through based on the actual fuel cost incurred by the petitioner.
- Date of hearing : 10.8.2017
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Adhunik Power and Natural Resources Limited
- Respondents : West Bengal State Electricity Distribution Company Limited and Others
- Parties present : Shri Hemant Singh, Advocate, APNRL
Shri Matrugupta Mishra, Advocate, APNRL
Shri Vishrov Mukherjee, Advocate, WBSEDCL
Ms. Raveena Dhamija, Advocate, WBSEDCL
Shri Aashish Anand Bernad, Advocate, PTC
Shri Paramhans, Advocate, PTC
Ms. Ranjitha ramachandran, Advocate, Prayas
Ms. Anushree Bardhan, Advocate, Prayas

Record of Proceedings

Learned counsel for the petitioner submitted that pursuant to the Hon'ble Supreme Court's judgment dated 11.4.2017 in Civil Appeal Nos. 5399-5400 of 2016, change in law events have been increased and requested for time to file an amended petition. Request was allowed by the Commission.

2. Learned counsel for WBSEDCL opposed the jurisdiction of the Commission on the ground that the petitioner has already approached JSERC with regard to supply of power to the State of Jharkhand and cannot be permitted to invoke jurisdiction of the Central Commission as well as the State Commission as the Supreme Court vide judgment dated 11.4.2017 has held that if the parties have agreed to approach the State Commission, then, the State Commission would have the jurisdiction in that

matter and there would be no scope of approaching the Central Commission. Learned counsel requested for a weeks' time to file submissions on the issue of maintainability.

3. After hearing the learned counsel for the parties, the Commission directed the petitioner to file the amended petition by 31.8.2017 with an advance copy to the respondents who may file their replies by 14.9.2017 with an advance copy to the petitioner. The Commission directed that due date of filing the amended petition and replies should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on maintainability as well as on merits on 28.9.2017.

By order of the Commission
Sd/-
(T. Rout)
Chief (Legal)