

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.127/MP/2016
Alongwith I.A. Nos.88/2017 and 89/2017**

Subject : Petition under Section 79 of the Electricity Act, 2003 for adjudication of the matter between the parties in relation to non-release of Bank Guarantee furnished with respect to Long Term Open Access granted to the petitioner.

Date of hearing : 26.4.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Ind Barath Energy (Utkal) Ltd. (IBEUL)

Respondent : Power Grid Corporation of India Ltd.

Parties present : Shri Matrugupta Mishra, Advocate, IBEUL
Shri Ambuj Dixit, Advocate, IBEUL
Ms. Ankita Bafna, Advocate, IBEUL
Shri Sahil Singhla, IBEUL
Ms. Ranjitha Ramachandran, Advocate, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking direction to PGCIL to refund the Bank Guarantee (BG) with respect to 616 MW LTA granted to the Petitioner. Learned counsel for the Petitioner further submitted as under:

- (a) As per the RoP dated 16.5.2017, the Petitioner was unable to make payment of transmission charges to PGCIL and has only paid ₹4 crore. Since, the Petitioner could not mobilize funds more than ₹4 crore, PGCIL did not allow the Petitioner to schedule power to TANGEDCO.
- (b) On 12.2.2018, RBI introduced new guidelines for resolution of stressed assets. As per the new guidelines and on account of precarious financial condition of the Petitioner, the lenders of the Petitioner have proposed to initiate proceedings before the National Company Law Tribunal (NCLT) in order to effect changes in the management of the Petitioner through another investor under the Corporate Insolvency Resolution Process (CIRP) of Insolvency and Bankruptcy Code, 2016.
- (c) Learned counsel requested the Commission to stand over the present proceedings and to direct PGCIL to maintain the status quo till 8 weeks to enable the change of management of the Petitioner. Learned counsel further requested the Commission to restrain PGCIL from initiating any coercive action against the Petitioner till that time.

2. Learned counsel for PGCIL submitted that as on date, around ₹115 crore is outstanding against the Petitioner towards payment of transmission charges and related charges under the LTA and TSA. Learned counsel for PGCIL further submitted that PGCIL has to comply with the Commission's direction given in order dated 8.3.2018 in Petition No.229/RC/2015.

3. After hearing the learned counsels for the Petitioner and PGCIL, the Commission directed the Petitioner to approach PFC who shall convene a meeting of all lenders and PGCIL and try to find out an amicable solution by 11.5.2018. The Petitioner was directed to place on record the outcome of the meeting and the steps taken/ proposed to be taken by it to liquidate the outstanding dues of PGCIL by 15.5.2018.

4. The petition shall be listed for hearing on 17.5.2018.

By order of the Commission

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