

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 22 of 2018
in
Review Petition No. 13/RP/2018**

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

Date of Order: 26th of April, 2018

In the matter of

Application for seeking interim directions.

And

In the matter of

Power Grid Corporation of India Limited
Plot No.2, Sector-29,
Gurgaon-122 001, Haryana

..... Applicant

Vs.

Essar Power Gujarat Limited
Equinox Business Park,
5th Floor, Tower-2, Bandra-Kurla Complex
L.B.S Marg, Kurla (West)

...Respondent

The following were present:

Ms. Swapna Seshadri, Advocate, PGCIL
Shri Sakiya Singh Choudhery, Advocate, Essar Power

ORDER

The Applicant, Power Grid Corporation of India Limited, has made the present Interlocutory Application (IA) for seeking suspension of the direction given in Para 45

of the order dated 11.10.2017 directing PGCIL to adjust Rs. 112 crore towards capital cost incurred by PGCIL till the decision in the Review Petition filed by it.

2. In the IA, PGCIL has submitted that PGCIL has filed Review Petition in Petition No. 187/MP/2015 seeking modification of the directions in Para 45 of the order dated 11.10.2017 to adjust Rs.112 crore received on account of encashment of bank guarantee towards the transmission charges instead of capital cost. PGCIL has sought suspension of the direction given in order dated 11.10.2017 pending the hearing and decision in the Review Petition.

3. Learned counsel for PGCIL mentioned the matter and submitted that PGCIL has a *prima facie* case in its favour and requested the Commission to stay the order to the limited extent of adjustment of the bank guarantee against the capital cost till the issuance of order in the Review Petition. Learned counsel for Essar Power submitted that the Commission may consider to accommodate the request of the Review Petitioner till the next date of hearing without prejudice to the rights and obligations of the parties.

4. After considering the submissions of the learned counsels for PGCIL and Essar Power, we direct that para 45 of the order dated 11.10.2017 in Petition No. 187/MP/2015 to the extent of adjustment of encashed bank guarantee against the capital cost shall not be given effect till further order in the Review Petition, without prejudice to the rights and obligations of the parties.

5. I.A.No. 22/2018 is disposed of in terms of the above.

6. Notice is issued in the Review Petition to the respondent who shall file its reply on maintainability as well as on merits by 4.5.2018. The Review Petitioner shall file its rejoinder on or before 9.5.2018.

7. The Review Petition shall be listed for hearing on 11.5.2018.

Sd/-
(Dr. M.K. Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(P.K. Pujari)
Chairperson