

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 377/MP/2018

**Coram:
Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I. S. Jha, Member**

Date of Order : 23rd of August, 2019

In the matter of:

Petition under Section 142 of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, inter alia seeking initiation of appropriate action against the Respondents for non-compliance of the order dated 18.4.2018 passed by the Commission in Petition No. 18/MP/2017.

And

In the matter of:

Bharat Aluminium Company Limited
Balco Nagar, Korba-495684,

Versus

1. The Chairman cum Managing Director
Kerala State Electricity Board,
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram,
Kerala, India
2. Chairman cum Managing Director
Power Trading Corporation
2nd Floor, NBCC Tower 15
Bhikaji Cama Place,
New Delhi-110 066

Parties Present:

1. Shri Hemant Singh, Advocate, BALCO
2. Shri Nishant Kumar, Advocate, BALCO
3. Ms. Soumya Singh, Advocate, BALCO
4. Shri Kukund P.Unny, Advocate, KSEB

ORDER

The Petitioner, Bharat Aluminium Company Limited, has filed the present Petition under Section 142 of the Electricity Act, 2003 for non-compliance of the



Commission`s order dated 18.4.2018 in Petition No. 18/MP/2017. The Petitioner has made the following prayers:

“(a) Initiate appropriate action against the Respondents, jointly and severally, under Section 142 of the Electricity Act, 2003 and/or any other appropriate provisions of the Electricity Act, 2003, for contravention and wilful disobedience of the directions issued by the Commission in order dated 18.4.2018 passed in Petition No. 18/MP/2017; and

(b) Direct the Respondents to forthwith comply with the order dated 18.4.2018 passed in Petition No. 18/MP/2017 and forthwith pay the amounts under the Supplementary Invoices raised by the Petitioner.”

2. During the course of hearing, learned counsel appearing on behalf of the Respondent, Kerala State Electricity Board (KSEB) submitted that KSEB has approached the APTEL against the Commission`s order dated 18.4.2018 in Petition No. 18/MP/2017 and APTEL vide its order dated 15.5.2019 in IA No. 37 of 2019 in Appeal No. 30 of 2019 had directed KSEB to pay 50% of the admitted amount i.e Rs. 16.185 crore in terms of reconciliation. Accordingly, KSEB has paid 50% of the admitted amount.

2. Learned counsel for the Petitioner confirms the same and sought permission to withdraw the Petition with liberty to approach the Commission at later stage in accordance with law.

3. The prayer of the Petitioner is allowed. Accordingly, Petition No.377/MP/2018 is disposed of as withdrawn.

4. Petition No.377/MP/2018 is disposed of in terms of the above.

Sd/-
(I.S. Jha)
Member

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

sd/-
(P. K. Pujari)
Chairperson

