

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 266/MP/2020

Coram:

Shri P.K.Pujari, Chairperson

Shri I.S.Jha, Member

Shri Arun Goyal, Member

Date of Order: 7th August, 2020

In the matter of

Petition under Section 79(1)(c) of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction for implementing the order dated 8.3.2019 in Petition No. 92/MP/2015 and order dated 11.12.2019 in Petition No. 252/MP/2019.

And

In the matter of

Central Transmission Utility
(Power Grid Corporation of India Limited)
Saudamini, Plot No. 2,
Sector-29, Gurgaon-122 001

... Petitioner

Vs.

Jindal India Thermal Power Limited,
Plot No.12 Sector-B1, Pocket-1,
Local Shopping Complex,
Vasant Kunj, New Delhi 110 079 and 43 others

... Respondents

Parties Present

Ms. Suparna Srivastava, Advocate, CTU

Ms. Nehula Sharma, Advocate, CTU

Ms. Joyti Prasad, CTU

Shri Hemant Singh, Advocate, JITPL, SKS and Vedanta

ORDER

The Petitioner, Central Transmission Utility, has filed the present Petition seeking direction for implementation of the Commission's order dated 8.3.2019 in Petition No. 92/MP/2015 and order dated 11.12.2019 in Petition No. 252/MP/2019 along with the following prayers:

“(a) allow the Petitioner to raise invoices for relinquishment charges as directed under order dated 8.3.2019 passed in Petition No.92/MP/2015 and order dated 11.12.2019 passed in Petition No. 252/MP/2019 only after advance ruling on applicability of GST on relinquishment charges is obtained from Tax Authority; and

(b) In case this Commission is of the view that invoices are to be raised by the Petitioner towards such relinquishment charges pending decision on advanced ruling on applicability of GST on relinquishment charges or if GST is payable as per the decision of Tax Authority, then suitable directions may be issued to meet the fund requirement for upfront tax payments through the remedial measures indicated in Para 14 Above or other directions as deemed fit by the Commission.”

2. Learned counsel for the Petitioner during the hearing submitted that Appellate Tribunal for Electricity vide its order dated 5.8.2020 in IA No. 943 of 2020 had observed that seventeen appeals against the Commission's order dated 8.3.2019 in Petition No. 92/MP/2015 are pending which are yet to be considered on merits and accordingly, directed the Commission not to consider prayer '(b)' of the present Petition. In light of the above direction, learned counsel for the Petitioner sought permission to withdraw the Petition with liberty to approach the Commission, if necessary in future in accordance with law. Learned counsel for JITPL, SKS and Vedanta did not object the same.

3. The prayer of the Petitioner is allowed. Accordingly, Petition No. 266/MP/2020 is disposed of as withdrawn.

Sd/-
(Arun Goyal)
Member

sd/-
(I.S Jha)
Member

sd/-
(P.K.Pujari)
Chairperson