



नई दिल्ली  
NEW DELHI

याचिका संख्या./ Petition No.: 146/MP/2019

कोरम/ Coram:

श्री पी. के. पुजारी, अध्यक्ष/ Shri P. K. Pujari, Chairperson  
श्री आई. एस. झा, सदस्य/ Shri I. S. Jha, Member  
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member

आदेश दिनांक/ Date of Order: 26<sup>th</sup> of July, 2021

**IN THE MATTER OF:**

Petition under section 79 of the Electricity Act, 2003 for execution of the Order dated 05.02.2019 passed in Petition no. 192/MP/2018; and initiation of proceedings under Section 142 of the Electricity Act, 2003 against Solar Energy Corporation of India Limited in relation thereto

**And in the matter of**

Phelan Energy India RJ Pvt. Limited,  
Through its authorized Signatory,  
1st Floor, A3/12, Sultanpuri,  
New Delhi – 110086

...Petitioner

**Versus**

1. Solar Energy Corporation of India Limited,  
D -3 First Floor, A Wing, Religare Building,  
District Centre, Saket, New Delhi – 110017
2. Jaipur Vidyut Vitran Nigam Limited,  
Vidyut Bhawan, Janpath, Jyoti Nagar, Jaipur – 302005

3. Ajmer Vidyut Vitran Nigam Limited,  
Vidyut Bhawan, Panchsheel Nagar,  
Makarwali Road, Ajmer – 305004
4. Jodhpur Vidyut Vitran Nigam Limited,  
New Power House, Jodhpur – 342003
5. Rajasthan Urja Vikas Nigam Limited,  
Vidyut Bhawan, Janpath, Jyoti Nagar,  
Jaipur – 302005

...Respondents

**Parties Present:** Shri Sujit Ghosh, Advocate, Phelan Energy  
Ms. Mannat Waraich, Advocate, Phelan Energy  
Shri M. G. Ramachandran, Sr. Advocate, SECI  
Ms. Tanya Sareen, Advocate, SECI  
Ms. Poorva Saigal, Advocate, SECI  
Ms. Swapna Seshadri, Advocate, Rajasthan Discoms  
Shri Anand Ganesan, Advocate, Rajasthan Discom  
Shri Ashwin Ramanathan, Advocate, Rajasthan Discoms  
Shri Damodar Solanki, Advocate, Rajasthan Discoms  
Shri Manoj Mathur, SECI  
Shri Ajay Sinha, SECI  
Shri Abhinav Kumar, SECI  
Shri Atulya Kumar Naik, SECI  
Shri Shibasish Das, SECI

### आदेश/ ORDER

The Petitioner, Phelan Energy India RJ Pvt. Limited, has filed the present Petition with the following prayers:

- (a) Direct the Respondent no. 1 to comply with the Orders dated 05.02.2019 passed by this Commission in Petition no. 192/MP/2018 and pay the compensation to the Petitioner on the basis of the documents submitted by the Petitioner;
- (b) Direct the Respondent no. 1 to consider the 60 day timeline from the date of submission of documents by the Petitioner i.e. on 08.04.2019;
- (c) Award the cost of this proceeding in favour of the Petitioner and against SECI;
- (d) Initiation of proceedings under Section 142 of the Electricity Act against SECI for failure to comply with the directions of this Commission;
- (e) Pass any such other and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”

2. The matter was heard on 27.8.2020 through video conferencing. During the course of hearing, the learned counsel for the Petitioner submitted that the Petition has been filed, inter-alia, for directing SECI to comply with the Commission's Order dated 05.02.2019 in Petition No. 192/MP/2018 and pay the GST compensation to the Petitioner. Learned counsel further submitted that since SECI has already started making the monthly payment towards GST compensation on annuity basis along with one lump-sum amount from the date of commercial operation of the project, the issue raised in the Petition no longer survives.
3. Learned counsel for the Respondents (Rajasthan Discoms) submitted that since they are yet to be mapped on e-filing portal, they could not file their response. Learned counsel sought permission to file response indicating that the payment has been released by Rajasthan Discoms. The request was allowed by the Commission.
4. The Rajasthan Discoms filed their reply on 17.02.2021 vide which they submitted that the Petitioner admitted before the Commission that SECI has already made payments to the Petitioner, and further the Rajasthan Discoms have nothing to do with the prayers as sought against SECI.
5. In view of above, we observe that the main issues involved in the Petition have been settled and as such, the Petition has become infructuous.
6. No order as to cost.
7. Accordingly, Petition No. 146/MP/2019 is disposed of in terms of the above.

Sd/-

**अरुण गोयल**  
(सदस्य)

Sd/-

**आई. एस. झा**  
(सदस्य)

Sd/-

**पी. के. पुजारी**  
(अध्यक्ष)