

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 197/MP/2018**

**Coram:**

**Shri P.K. Pujari, Chairperson**

**Shri I.S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P.K. Singh, Member**

**Date of Order: 11<sup>th</sup> November, 2021**

**In the matter of**

Petition under Sections 79 (1) (b) and 79 (1) (f) of the Electricity Act, 2003 seeking recovery of the escalable energy charges due to rectification in escalation rates of domestic coal falling within the scope of the Power Purchase Agreement dated 8.3.2013 (PTC-PPA) executed between the Petitioner and the Respondent No. 2 and as per the terms of the back to back Power Purchase Agreement executed by PTC with Kerala State Electricity Board (KSEB-PPA) dated 13.6.2013.

**And**

**In the matter of**

**Bharat Aluminum Company Limited (BALCO),**

Balco Nagar,

Korba-495684, Chhattisgarh

**.....Petitioner**

**Vs.**

**1. Kerala State Electricity Board,**

Vydyuthi Bhavanam,

Pattom,

Thiruvananthapuram - 695004, Kerala

**2. PTC India Limited,**

2<sup>nd</sup> Floor, NBCC Tower 15,

Bhikaji Cama Place,

New Delhi-110 066.

**3. Tamil Nadu Generation and Distribution Corporation Limited,**

NPKRR Maligai, 6th Floor,

Eastern Wing, 144, Anna Salai,

Chennai-600 002, Tamil Nadu.

**4. Chhattisgarh State Power Trading Company Limited,**

O/o The Chief Engineer (EITC),  
Energy Info. Tech Centre,  
Block No.8, CS Power Companies Campus, Daganiya,  
Raipur-492013, Chhattisgarh

.....Respondents

**Parties present:**

Shri Hemant Singh, Advocate, BALCO  
Shri Lakshyajit Singh Bagdwal, Advocate, BALCO  
Shri Ravi Kishore, Advocate, PTC  
Shri P.V.Dinesh, KSEB  
Shri Ashwini Kumar Singh, KSEB  
Shri Bineesh K. KSEB

**ORDER**

The Petitioner, Bharat Aluminum Company Limited, has filed the present  
Petition with the following prayers:

*“(a) Direct the Respondent No. 1/KSEB to make payment of Rs.57,49,18,097/- in terms of the revised notifications dated 8.12.2017 pertaining to escalable energy charge issued by this Commission in terms of the PTC PPA and KSEB PPA;*

*(b) Direct the Respondent No. 1 to make payment of applicable interest//carrying cost, in terms of the revised notifications dated 8.12.2017 from the date of the commencement of power supply to KSEB; and*

*(c) Direct the Respondent No. 1 to make payment of Late Payment Surcharge from the date of raising of the supplementary invoice dated 18.12.2017.”*

2. Case was called out for virtual hearing on 9.11.2021. The Commission observed that the matter is pending from the year 2018 and during the course of hearing on 20.12.2018, the learned counsel for the Petitioner had requested to keep the matter pending till the disposal of the Writ Petition by Hon`ble Delhi High Court challenging the applicability of Notification dated 8.12.2017 issued by the Commission. Based on the request of the learned counsel for the Petitioner, the matter was adjourned and the Petitioner was directed to inform the Commission about the status of the said Writ Petition. In response, the learned counsel for the Petitioner submitted that the Writ Petition is yet to be decided by the Hon`ble Delhi

High Court and sought permission to withdraw the instant Petition with liberty to approach the Commission after disposal of the Writ Petition. The learned counsel requested to adjust the filing fees paid in the present Petition against the Petition to be filed after the decision in the Writ Petition. This was not objected to by the learned counsel and the representatives appearing for the Respondents.

3. In view of the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition with a liberty to approach the Commission with a fresh Petition on the subject matter after the decision of Hon`ble Delhi High Court in above Writ Petition. The filing fees deposited by the Petitioner in respect of its Petition shall be adjusted against the Petition to be filed by the Petitioner in terms of the liberty granted as above.

4. Accordingly, the Petition No. 197/MP/2018 is disposed of as withdrawn.

**Sd/-  
(P.K. Singh)  
Member**

**sd/-  
(Arun Goyal)  
Member**

**sd/-  
(I.S. Jha)  
Member**

**sd/-  
(P.K. Pujari)  
Chairperson**