

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 621/MP/2020

Coram:

Shri P.K.Pujari, Chairperson

Shri I.S.Jha, Member

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of order: 5th May, 2021

In the matter of

Petition under Section 79(1) (b) read with Section 79(1) (f) of the Electricity Act, 2003 And Article 8.3 of Power Purchase Agreement dated 27.11.2013 between GMR Energy Trading Limited and TANGEDCO read with Power Purchase Agreement dated 03.05.2014 between GMR Energy Trading Limited and GMR Warora Energy Limited (as back-to-back arrangement for supply of power), for recovery of Late Payment Surcharge on account of delay in payment of Monthly Bills and Supplementary Bills (transmission charges) raised by GWEL on TANGEDCO.

And

In the matter of

GMR Warora Energy Limited
701/704, 7th Floor, Naman Centre A-wing,
Bandra Kurla Complex, Bandra
Mumbai- 400051

....Petitioner

Vs

Tamil Nadu Generation and Distribution Corporation Limited
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-600 002

....Respondent

The following were present:

Shri Vishrov Mukherjee, Advocate, GWEL

Shri Yashaswi Kant, Advocate, GWEL

ORDER

The Petitioner, GMR Warora Energy Limited (formerly EMCO Energy Ltd.) has filed the present Petition under Sub-section (1) (b) and (f) of Section 79 of the Electricity Act, 2003 along with the following prayers:

“(a) Direct TANGEDCO to pay the outstanding LPS amount payable to GWEL of Rs. 77.78 Crores, for the period 1.4.2018 to 30.6.2020 for the delay in payment of Monthly Bills & Supplementary bills (transmission charges);

(b) As an interim measure, direct TANGEDCO to clear 75% of the aforesaid outstanding amount of LPS payable to GWEL; and

(c) Direct TANGEDCO to pay Late Payment Surcharge pendente lite till actual payment of bills and Late Payment Surcharge.”

2. The matter was called out for virtual hearing on 20.4.2021 on admission. After hearing the learned counsel for the Petitioner, the order was reserved on the admissibility of the matter.

3. The learned counsel for the Petitioner vide letter dated 4.5.2021 has submitted that issue regarding non-payment of late payment surcharge raised in the instant Petition is being discussed with the Respondent, Tamil Nadu Generation and Distribution Corporation Limited. Accordingly, the learned counsel for the Petitioner has sought permission to withdraw the Petition with liberty to file the Petition in future, if required.

4. The prayer of the learned counsel for the Petitioner is allowed. Accordingly, Petition No. 621/MP/2021 is disposed of as withdrawn.

Sd/-
(P.K.Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(I.S.Jha)
Member

sd/-
(P.K.Pujari)
Chairperson