

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 126/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 seeking execution/implementation of order dated 20.1.2022 read with Corrigendum order dated 4.2.2022 passed by this Commission in Petition No. 594/MP/2020 and initiation of proceedings under Section 142 of the Electricity Act, 2003 against DNH Power Distribution Corporation Limited in relation thereto

Date of Hearing : 7.6.2022

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member

Petitioner : GMR Warora Energy Limited

Respondent : DNH Power Distribution Corporation Limited

Parties Present : Shri Vishrov Mukherjee, Advocate, GMR
Ms. Priyanka Vyas, Advocate, GMR

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed under Section 142 of the Electricity Act, 2003 *inter alia* seeking direction to the Respondent to comply with the order dated 20.1.2022 read with corrigendum dated 4.2.2022 in Petition No. 594/MP/2020 and to pay Rs. 168.77 crore comprising principal amount of Rs. 132.03 crore (for period 26.3.2020 to 30.6.2020) along with Late Payment Surcharge (till 31.3.2022) of Rs. 36.77 crore. Learned counsel submitted that the Respondent is not paying the capacity charge determined by the Commission vide said order. Learned counsel submitted that the Respondent has filed an Appeal against the said order dated 20.1.2022. However, there is no stay in the order. Learned counsel requested the Commission to direct the Respondent to pay the outstanding dues and Late Payment Surcharge immediately.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioner to serve copy of the Petition on the Respondent and the Respondent to file its reply within three weeks after serving copy of the same to the Petitioner, who may file its rejoinder within three weeks thereafter.

(c) The Respondent shall pay 70% of the outstanding principal amount within two weeks of this order.

(d) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**