

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 250/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 for execution/ implementation of the order dated 22.3.2021 passed in Petition No. 405/MP/2019; and initiation of proceedings under Section 142 of the Electricity Act, 2003 against Dakshin Haryana Bijli Vitran Nigam Limited, Uttar Haryana Bijli Vitran Nigam Limited, Haryana Power Generation Corporation Limited and PTC India Limited in relation thereto.

Date of Hearing : 21.3.2022

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

Petitioner : GMR Kamalanga Energy Limited (GKEL)

Respondents : Dakshin Haryana Bijli Vitran Nigam Limited and 3 Ors.

Parties Present : Shri Vishrov Mukerjee, Advocate, GKEL
Shri Yashaswi Kant, Advocate, GKEL
Ms. Juhi Senguttuvan, Advocate, GKEL
Ms. Sonia Madan, Advocate, HPPC

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking execution/implementation of the Commission's order dated 22.3.2021 passed in Petition No. 405/MP/2019, wherein the Commission has held that the Petitioner is entitled to receive the full compensation for fly ash transported within a radius of 100 km including GST and 50% of the amount including GST for fly ash transported beyond the radius of 100 km and upto 300 km along with carrying cost. Learned counsel submitted that the Respondents have not paid any amount to the Petitioner against the invoices raised by the Petitioner for transportation of fly ash in terms of the Commission's aforesaid order. Learned counsel submitted that the Respondents may be directed to pay the 50% of the outstanding amount forthwith and the balance amount within a time bound manner.

3. Learned counsel for the Respondent Nos. 1 & 2, Haryana Discoms, submitted that the Respondents are at an advanced stage of releasing the payment and will be making the payment against the outstanding amount today and tomorrow, which may be confirmed by the Petitioner thereafter.

4. In response, the learned counsel for the Petitioner submitted that the Petition may be kept pending in case the amount released by the Respondents is unsatisfactory to the Petitioner and is not as per the invoices raised by the Petitioner.

5. After hearing the learned counsel for the parties, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents, immediately, if not already served and the Respondents to file their reply, if any, by 28.3.2022 after serving the copy of the same to the Petitioner, who may file its rejoinder, if any, by 5.4.2022.
- (c) The Respondents, Haryana Discoms to also indicate the payments made to the Petitioner against the invoices raised by the Petitioner in terms of the order dated 22.3.2021 along with its reply and the Petitioner to confirm the receipt of such payment along with its rejoinder.
- (d) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

6. 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)