

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 119/MP/2022

Coram:

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

Date of Order: 24th May, 2022

In the matter of

Petition under Section 79(1)(f) and (k) of the Electricity Act, 2003 for adjudication of disputes and return of performance bank guarantee.

And

In the matter of

KSK Mahanadi Power Company Ltd.
8-2-293/82/A/431/A, Road No. 22,
Jubilee Hills, Hyderabad – 500033 (Telangana)

..Petitioner

Vs.

Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan,
Race Course Circle,
Vadodara- 390 007

..Respondent

Parties present:

Shri M.G. Ramachandran, Senior Advocate, GUVNL
Shri Anand Ganeshan, Advocate for the Petitioner
Ms. Swapna Seshadri, Advocate for the Petitioner
Ms. Srishti Khindaria, Advocate for the Petitioner
Ms. Anushree Bardhan, Advocate, GUVNL
Shri Sanjay Mathur, GUVNL
Shri Kripal Chudasama, GUVNL

ORDER

The Petitioner, KSK Mahanadi Power Company Limited, has filed the present
Petition along with the following prayers:

“(a) *Issue appropriate order(s) / direction(s) directing GUVNL to return the performance bank guarantee dated 10.05.2010;*

(b) Pass an ad-interim order restraining GUVNL from taking any coercive and / or precipitative action against the Petitioner, including but not limited to invocation of the bank guarantee, pending the hearing of the present Petition;

(c) Pass an ex-parte ad-interim order in terms of prayer (a) and (b) above and confirm the same after notice to the Respondents; and/or

(d) Pass such other further orders as this Hon'ble Commission may deem just in the facts of the present case."

2. The matter was heard on admission on 20.5.2022 through video conferencing. During the course of hearing, learned counsel for the Petitioner submitted that since the Respondent has encashed the performance bank guarantee, the Petition has become infructuous. Accordingly, learned counsel for the Petitioner sought permission to withdraw the present Petition with liberty to approach the Commission in accordance with law.

3. In view of the submission of the learned counsel, the Petitioner is permitted to withdraw this Petition.

4. Accordingly, the Petition No. 119/MP/2022 is disposed of as withdrawn in terms of the above.

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

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

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