

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 165/MP/2019

Coram:

Shri I. S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 28th January, 2022

In the matter of

Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 for claiming carrying cost/interest on account of event pertaining to change in law allowed by the Commission vide order dated 18.4.2018 passed in Petition No. 18/MP/2017 read with terms of Power Purchase Agreement dated 13.6.2013 executed between the Respondent No.1, Kerala State Electricity Board and the Respondent No. 2, PTC India Limited and back to back Power Purchase Agreement dated 13.6.2013 executed between the Petitioner and the Respondent No.2

And

In the matter of

Bharat Aluminium Company Limited (BALCO),
Balco Nagar,
Korba-495684, Chhattisgarh.

..Petitioner

Vs.

1. Kerala State Electricity Board (KSEB)
Vydyuthi Bhavanam,
Pattom, Thiruvananthapuram-695004
Kerala

2. Power Trading Corporation (PTC)
2nd Floor, NBCC Tower 15
Bhikaji Cama Place,
New Delhi-110066

3. Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO),
NPKRR Maligai, 6th Floor,
Eastern Wing, 144, Anna Salai,
Chennai-600 002, Tamil Nadu

..Respondents

Parties present:

Shri Buddy Ranganathan, Advocate for the Petitioner
Shri Hemant Singh, Advocate for the Petitioner
Shri Lakshyajit Singh, Advocate for the Petitioner
Ms. Anush Nagarajan, Advocate, TAGGEDCO

ORDER

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

“(a) Approve and grant carrying cost from the effective date of Change in Law events that have affected the Petitioner till the date of the order dated 18.4.2018 passed in 18/MP/2017, at the rate as prayed for in the present Petition;

(b) Direct the Respondent No. 1/ KSEB to make payment of the Late Payment Surcharge in terms of Article 8.8.3 of the KSEB PPA which is applicable due to delay in payment of the supplementary bills raised by the Petitioner towards carrying cost applicable on the change in law events allowed by this Hon’ble Commission; and

(c) In the interim, direct the Respondent No. 1 to release 80% of the outstanding amount towards carrying cost.”

2. The matter was heard on 24.1.2022 through video conferencing. During the course of hearing, the learned counsel for the Petitioner submitted that both the Petitioner and the Respondent, KSEB have filed Appeals in the Appellate Tribunal for Electricity (‘APTEL’) against the order of the Commission dated 18.4.2018 in Petition No. 18/MP/2017. The learned counsel further submitted that the Petitioner has filed application for amendment of the Appeal filed by the Petitioner to include grant of carrying cost. Accordingly, the learned counsel for the Petitioner sought permission to withdraw the present Petition with liberty to approach the Commission in accordance with law after disposal of the Appeals by APTEL.

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

4. Accordingly, the Petition No. 165/MP/2019 is disposed of as withdrawn in terms of the above.

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

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

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