

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 208/MP/2019**

**Coram:**

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

**Date of Order: 21<sup>st</sup> October, 2022**

**In the matter of**

Petition under Section 79 of the Electricity Act, 2003 for execution/implementation of the Order dated 16.5.2019 passed in Petition No. 8/MP/2014 and Petition No. 284/MP/2018; and initiation of proceedings under Section 142 of the Electricity Act, 2003 against Maharashtra State Electricity Distribution Company Limited and DNH Power Distribution Corporation Limited in relation thereto.

**And**

**In the matter of**

**GMR Warora Energy Limited,**  
701/704, 7<sup>th</sup> Floor, Naman Centre,  
A-wing, BKC (Bandra Kurla Complex),  
Bandra, Mumbai-400 051

**..Petitioner**

**Vs.**

**1. Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)**

Fifth Floor, Prakashgadh, Plot No. G-9,  
Anant Kanekar Marg,  
Bandra (East),  
Mumbai-400 051

**2. DNH Power Distribution Company Limited (DNHPDCL),**

Vidhyut Bhawan, Opp.Secretariat,  
Silvassa-396230,  
Dadra & Nagar Haveli

**Parties present:**

Shri Vishrov Mukerjee, Advocate for the Petitioner  
Shri Y. Kant, Advocate for the Petitioner  
Shri Udit Gupta, Advocate for MSEDCL  
Shri Anup Jain, Advocate for MSEDCL  
Shri Anand K. Ganesan, Advocate for DNHPDCL

## ORDER

The Petitioner, GMR Warora Energy Limited, has filed the present Petition along with the following prayers:

*“(a) Direct MSEDCL and DNH to pay an amount of Rs. 119.25 crores and Rs. 134.16 crores respectively and continue to pay the subsequent bills;*

*(b) Direct respondents to pay Late payment surcharge as per the provisions of the respective PPAs;*

*(c) Direct attachment of bank account or any other suitable measure / directions to ensure compliance and implementation of this Hon’ble Commission’s Orders;*

*(d) In the interim, direct the Respondents to pay 90% of the due amount;*

*(e) Initiate proceedings under Section 142 of the Electricity Act against MSEDCL and DNH for failure to comply with the directions of this Hon’ble Commission; and*

*(f) Pass any such further order as this Hon’ble Commission may deem necessary in the interest of justice.”*

2. The matter was heard on 13.10.2022. During the course of hearing, learned counsel for the Petitioner submitted that the present Petition is filed seeking execution/implementation of the Commission’s order dated 16.5.2019 passed in Petition No.8/MP/2014 and Petition No. 284/MP/2018. The learned counsel submitted that while challenge to the said order was rejected by the Appellate Tribunal for Electricity vide its judgment dated 13.10.2020 in Appeal No. 283 of 2019, in a second appeal before the Hon’ble Supreme Court, the Hon’ble Supreme Court has granted the stay qua Respondent No.2, DNHPDCL. Accordingly, the learned counsel requested that, at this stage, the Commission may adjourn the present matter. The learned counsel further submitted that insofar the Respondent No.1, MSEDCL is concerned, it has made the payment in terms of the said order, albeit, late payment surcharge to the tune of approximately Rs. 50 crore is still outstanding.

3. Learned counsel for the Respondent No.1 submitted that MSEDCL has already made the payment of entire principal amount and carrying cost arising out of the Commission's order dated 16.5.2019 and also a considerable amount towards late payment surcharge.

4. In response to the observation of the Commission that Hon'ble Supreme Court being seized of the matter keeping the Petition pending would not serve any purpose, the learned counsel for the Petitioner sought permission to withdraw the petition with liberty to approach the Commission at later stage, if required. The learned counsel also requested for adjustment of filing fees against the Petition to be filed in terms of the above.

5. In view of the submissions of the learned counsel, the Petitioner is permitted to withdraw this Petition. However, the request made by the learned counsel for the Petitioner for adjudgment of filing fees is rejected.

6. Accordingly, the Petition No. 208/MP/2019 is disposed of as withdrawn.

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

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

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