

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 367/MP/2019  
Petition No. 381/MP/2019**

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

**Date of Order: 12<sup>th</sup> November, 2022**

**Petition No. 367/MP/2019**

**In the matter of**

Petition for execution of order dated 30.4.2019 read with corrigendum dated 29.5.2019 in Petition No.255/MP/2017 and initiation of proceedings/appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations against the Respondents for non-compliance of the Order dated 30.4.2019 read with corrigendum dated 29.5.2019 passed by the Commission in Petition No. 255/MP/2017.

**And**

**In the matter of**

**Adhunik Power and Natural Resources Limited,  
9B, 9th Floor,  
Hansalaya Building,  
15, Barakhamba Road, Connaught Place,  
New Delhi- 110001**

**...Petitioner**

**Vs.**

**1. West Bengal State Electricity Distribution Company Limited,  
Vidyut Bhawan, Block DJ,  
Bidhannagar-700091, Kolkata.**

**2. Chairman and Managing Director,  
West Bengal State Electricity Distribution Company Limited,  
Vidyut Bhawan, Block DJ,  
Bidhannagar-700091, Kolkata.**

**Petition No. 381/MP/2019**

**In the matter of**

Petition under Section 79 of the Electricity Act, 2003 and the PPA dated 25.03.2011 between Adhunik Power and Natural Resources Ltd. and PTC India Ltd. with a back to back PSA dated 5.1.2011 between PTC India Ltd. and West Bengal State Electricity Distribution Company Ltd.

**And**

**In the matter of**

**West Bengal State Electricity Distribution Company Limited,**  
Vidyut Bhawan, Block DJ,  
Sector-II Salt Lake-700 091, Kolkata

**...Petitioner**

Vs.

**1. Adhunik Power and Natural Resources Limited,**  
9B, 9th Floor,  
Hansalaya Building,  
15, Barakhamba Road, Connaught Place,  
New Delhi- 110001

**2. PTC India Limited,**  
2<sup>nd</sup> Floor, NBCC Tower,  
15, Bhikaji Cama Place,  
New Delhi-110 066

**3. Eastern Regional Load Despatch Centre,**  
14, Golf Club Road,  
Tollygunge-700 033, Kolkata-700 033

**4. Eastern Regional Power Committee,**  
14, Golf Club Road,  
Tollygunge-700 033, Kolkata-700 033

**...Respondents**

**Parties present:**

Shri Deepak Khurana, Advocate, APNRL  
Shri Ashwini Kumar Tak, Advocate, APNRL  
Shri Akshat Jain, Advocate, WBSEDCL  
Shri Aditya Dubey, Advocate, WBSEDCL  
Shri Ravi Kishore, Advocate, PTC  
Shri Alok Mishra, ERLDC

## ORDER

### Petition No. 367/MP/2019

The Petitioner, Adhunik Power and Natural Resources Limited (APNRL), has filed the present Petition with the following prayers:

*“(a) Direct the Respondents to comply with the Order dated 30.4.2019 read with corrigendum dated 29.5.2019 passed in Petition No. 255/MP/2017 and to forthwith pay the pending amounts to the Petitioner as detailed in the present Petition i.e., an amount of Rs. 111.72 Crores (for power supplied during the period July, 2013 to July 2019) and further to continue to pay the Supplementary Invoices towards Change in Law being raised by the petitioner;*

*“(b) Initiate appropriate action against the Respondents, jointly and severally under Section 142 of the Electricity Act,2003 and/or any other appropriate provision/s of the Electricity Act,2003 for contravention and disobedience of the directions issued by the Commission in Order dated 30.4.2019 read with corrigendum dated 29.5.2019 passed in Petition No. 255/MP/2017;*

*“(c) Issue appropriate directions of the Order dated 30.4.2019 read with corrigendum dated 29.5.2019 passed in Petition No. 255/MP/2017.”*

### Petition No. 381/MP/2019

2. The Petitioner, West Bengal State Electricity Distribution Company Limited (WBSEDCL), has filed the Petition with the following prayers:

*“(a) Direct APNRL to schedule Contracted Capacity of 100 MW to WBSEDCL;*

*“(b) Direct ERLDC to ensure scheduling and despatch in accordance with the PPA and not allow diversion of power under STOA;*

*“(c) Direct APNRL to compensate WBSEDCL for breach of the PPA and pay an amount Rs. 53,36,18,989/- (detailed in Para 34 and 35 above) i.e. the cost incurred for procuring power from alternate sources;*

*“(d) Pass any such other and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”*

3. During the course of hearing on 10.11.2022, the learned counsels appearing on behalf of APNRL and WBSEDCL submitted that APNRL and WBSEDCL have entered into Settlement Agreement which has been approved by the West Bengal Electricity Regulatory Commission. Accordingly, the learned counsels for the Petitioners sought permission to withdraw the both Petitions.

4. In view of the submissions of the learned counsels, the Petitioners, APNRL and WBSEDCL are permitted to withdraw the both Petitions.

5. Accordingly, the Petition No. 367/MP/2019 and Petition No. 381/MP/2019 are disposed of as withdrawn.

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

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

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