

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 182/MP/2023

- Subject** : Petition under section 79(1)(f) of the Electricity Act, 2003 seeking appropriate directions to recover the outstanding dues of transmission charges of the Respondents
- Date of Hearing** : 13.9.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner** : Central Transmission Utility of India Limited (CTUIL)
- Respondents** : Ind Barath Energy (Utkal) Limited (IBEUL) & Anr.
- Parties present** : Ms. Suparna Srivastava, Advocate, CTUIL
Shri Tushar Mathur, Advocated, CTUIL
Ms. Divya Sharma, Advocate, CTUIL
Shri Yogeshwar, CTUIL

Record of Proceedings

Central Transmission Utility of India Limited (CTUIL) has filed the instant petition under section 79(1)(f) of the Electricity Act, 2003 and has sought appropriate directions to recover the outstanding dues of the transmission charges from Ind Barath Energy (Utkal) Ltd. and Simhapuri Energy Ltd.

2. Learned counsel for the Petitioner submitted as follows:
- Insolvency/ liquidation proceedings were initiated against Ind Barath Energy (Utkal) Ltd. and Simhapuri Energy Ltd. due to their inability to pay their creditors.
 - After insolvency/ liquidation proceedings, Ind Barath Energy (Utkal) Limited has been taken over by JSW Energy Private Limited and Simhapuri Energy Limited has been taken over by Jindal Power Private Limited.
 - As per the Commission's directions in order dated 24.1.2020 in Petition No.394/MP/2019, filed by CTUIL, the Petitioner approached NCLT claiming ₹414.66 crore under CIRP proceedings against JSW Energy Private



Limited and Simhapuri Energy Limited. However, the Petitioner was allocated only ₹5.53 crore in the Resolution Plan.

- d) The Petitioner had taken all the necessary steps available to it to recover the transmission charges as per the directions of the Commission in order dated 24.1.2020 in Petition No. 394/MP/2019, but were unable to recover the same. The outstanding dues from the Respondents have gone upto ₹500 crore including the surcharge as on date for use of long-term access by the Respondents. Therefore, the instant petition seeking directions for the Respondents to pay the outstanding transmission charges.
- e) APTEL vide judgment dated 17.2.2023 in Appeal No.117/2021, filed by Himachal Sorang Private Limited against the order dated 24.1.2020 in Petition No. 394/MP/2019 has remanded the matter to the Commission for reconsideration. Requested to list Petition No. 394/MP/2019 alongwith the instant petitions.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the petition and directed as follows:

- (a) Implead JSW Energy Private Limited and Jindal Power Private Limited as Respondents in the petition and file amended 'Memo of Parties' by 25.9.2023 on an affidavit and also to serve a copy of the petition on them.
- (b) Issue notice to the Respondents.
- (c) Respondents to file their reply on an affidavit by 23.10.2023 with an advance copy to the Petitioner and the Petitioner to file its rejoinder, if any, by 10.11.2023.
- (d) Petition No. 394/MP/2019 be listed along with the instant matter.

4. The Commission further directed the parties to comply with the above directions within the specified timeline.

5. The petition will be listed for final hearing on 15.11.2023.

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Law)

