

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.186/MP/2021

Subject : Petition under Section 79(1)(c) read with Sections 142 and 146 of the Electricity Act, 2003 regarding non-compliance of the order dated 8.6.2013 in Petition No. 245/MP/2012 passed by the Commission and for consequential directions.

Date of Hearing : **11.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Dakshin Gujarat Vij Company Limited (DGVCL)

Respondents : Arcelor Mittal Nippon Steel India Limited (AMNSIL) and 4 Ors.

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, DGVCL
Ms. Srishti Khindaria, Advocate, DGVCL
Ms. Swapna Seshadri, Advocate, DGVCL
Ms. Ashabari Thakur, Advocate, DGVCL
Dr. Abhishek Manu Singhvi, Sr. Advocate, AMNSIL
Shri Gopal Jain, Sr. Advocate, AMNSIL
Shri Vishal Gehrana, Advocate, AMNSIL
Shri Varun Khanna, Advocate, AMNSIL
Shri Devang Kumar, Advocate, AMNSIL
Ms. Anannya Ghosh, Advocate, AMNSIL
Shri Dushyant Manocha, Advocate, AMNSIL
Shri Siddharth Sharma, CTUIL
Shri Alok Mishra, WRLDC

Record of Proceedings

At the outset, learned senior counsel for Respondent No.1, AMNSIL, prayed for an additional time of a day or two for filing the Respondent's affidavit in terms of the direction of the Commission vide Record of Proceedings for the hearing dated 21.8.2023 and requested that the matter be taken up in the month of November 2023. Learned senior counsel further submitted that the Respondent's application in regard to the determination of its captive status for the relevant period is pending before the Electrical Inspector, Gujarat. Moreover, the Review Petitions filed by the Respondent against the orders passed by the Gujarat Electricity Regulatory Commission, whereby the Respondent has been held liable to pay Cross Subsidy Surcharge, along with the IAs seeking stay on such orders, are already pending and are likely to be decided shortly. In any case, Respondent No.1 is paying the regular bills towards CSS from July 2023 onwards and in the above circumstances, learned senior counsel urged that the matter be taken up for hearing in the month of November 2023.

2. Learned senior counsel for the Petitioner submitted that the amount of more than Rs. 1500 crore is outstanding against Respondent No.1 towards CSS for the period post 16.12.2019 i.e. upon the vesting of the undertaking of Essar Steel India Limited in Respondent No.1 pursuant to the culmination of the resolution process under the Insolvency and Bankruptcy Code, 2016. Learned senior counsel further submitted that there is no basis for Respondent No.1 for not making the payment towards CSS post 16.12.2019 and the Commission has already given several opportunities to Respondent No. 1 in the present case.

3. Considering the submissions made by the learned senior counsel for the Petitioner and Respondent No.1, the Commission deemed it appropriate to grant one last opportunity to Respondent No.1 to file its affidavit in terms of the Record of Proceedings dated 21.8.2023 within three weeks, and the matter was, accordingly, adjourned. The Commission, however, directed Respondent No.1 to ensure that such an affidavit contains the concrete payment plan to liquidate its CSS arrears for the period post 16.12.2019 without fail.

4. The Petition will be listed for hearing on **8.11.2023**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**