

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.248/MP/2023**

- Subject : Petition under Section 11 read with Section 79 of the Electricity Act 2003 seeking directions to Gujarat Urja Vikas Nigam Limited (GUVNL) to make payment of the cost of imported coal used by GMR Warora Energy Limited for generation and supply of power to GUVNL pursuant to Ministry of Power statutory directions dated 26.5.2022 issued under Section 11 of the Electricity Act and Clarification dated 21.3.2023.
- Date of Hearing : **28.11.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : GMR Warora Energy Limited (GWEL)
- Respondent : Gujarat Urja Vikas Nigam Limited (GVUNL)
- Parties Present : Shri Vishrov Mukerjee, Advocate, GWEL  
Shri Pratyush Singh, Advocate, GWEL  
Ms. Anamika Rana, Advocate, GWEL  
Shri Anand Ganesan, Advocate, GUVNL  
Ms. Kriti Soni, Advocate, GUVNL  
Ms. Ashabari Thakur, Advocate, GUVNL  
Ms. Srishti Khindaria, Advocate, GUVNL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, for the issuance of directions to Respondent, GUVNL to make payment for the cost of imported coal procured and used by the Petitioner for generation and supply of power to GUVNL pursuant to the directions issued by the Ministry of Power (MoP) on 26.5.2022 and Clarification dated 21.3.2023 under Section 11 of the Electricity Act, 2003 ('the Act').

2. In response to the specific observation by the Commission that the Coal Sale & Purchase Agreement (CSPA) by the Petitioner was signed only on 13.10.2022 i.e. after the withdrawal of Section 11 Directions dated 26.5.2022 w.e.f 11.8.2022, the learned counsel for the Petitioner submitted that a competitive bidding for procurement of imported coal was initiated by the Petitioner on 9.7.2022 and pursuant thereto, a Coal Sale & Purchase Agreement was entered into with SAIL Resources Pte. Ltd. on 19.7.2022. Learned counsel further submitted the said CSPA was, thereafter, novated by SAIL and pursuant to the said novation, CSPA was signed with Tradeserve on 13.10.2022.

3. Learned counsel for the Respondent, GUVNL, accepted the notice and sought liberty to file a reply in the matter.

4. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

(a) Issue notice on the maintainability as well as on merits.

(b) The Respondent to file its reply on the maintainability as well as on merits within three weeks with a copy to the Petitioner, who may file its comprehensive rejoinder within two weeks thereafter.

5. The Petition will be listed for the hearing on the maintainability as well as on merits on **7.2.2024**.

**By order of the Commission**

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