

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 94/MP/2023**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulation 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading license and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondents as per Banking Agreements executed between the Petitioner and the Respondents and seeking revocation of the inter-State trading license granted to respondent No.1.

Petitioner : Kreate Energy (I) Private Limited (KEIPL)

Respondents : Saranyu Power Trading Pvt. Ltd. (SPTPL) & Anr.

**Petition No. 277/MP/2022**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulations 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondent as per the Banking Agreement dated 29.3.2022 and seeking revocation of the interstate trading licence granted to Svaryu Energy Limited (formerly Refex Energy Limited).

Petitioner : Haryana Power Purchase Centre (HPPC)

Respondent : Svaryu Energy Limited (SEL)

**Petition No. 278/MP/2022**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulations 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondent as per the Banking Agreement dated 17.3.2022 and seeking revocation of the interstate trading licence granted to Arunachal Pradesh Power Corporation Private Limited.

Petitioner : Haryana Power Purchase Centre

Respondent : Arunachal Pradesh Power Corporation Private Limited



**Petition No. 282/MP/2022**

Subject : Petition under Section 79(1)(f) read with Section 19 of the Electricity Act, 2003 read with Regulations 9, 19 and 20 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 seeking recovery of penalty for less return of power by the Respondent as per the Banking Agreement dated 29.3.2022 and seeking revocation of the interstate trading licence granted to Kreate Energy (I) Private Limited (formerly Mittal Processors Private Limited).

Petitioner : Haryana Power Purchase Centre

Respondents : Kreate Energy (I) Private Limited (formerly MPPL)

**Petition No. 265/MP/2022 Along With I.A. No. 462/2022**

Subject : Petition under Section 79(1)(c) and (f) of the Electricity Act, 2003 for adjudication of disputes.

Petitioner : Arunachal Pradesh Power Corporation Private Limited (APPCPL)

Respondents : Saranyu Power Trading Private Limited & Ors.

Date of Hearing : **21.7.2023**

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

Parties Present : Mr. Adarsh Tripathi, Advocate, KEIPL  
Mr. Ajitesh Garg, Advocate, KEIPL  
Ms. Sonia Madan, Advocate, HPPC  
Ms. Purna Priyadarshini, Advocate, SEL  
Mr. Vivek Gupta, Advocate, APPCPL  
Ms. Swapna Seshadri, Advocate, APPCPL  
Ms. Ritu Apurva, Advocate, APPCPL  
Mr. Arijit Maitra, Advocate, IPCL  
Shri Aditya Dubey, Advocate, SPTPL

**Record of Proceedings**

Learned counsel for the Petitioner, KEIPL, in Petition No. 94/MP/2023 submitted that the said Petition has been filed, *inter alia*, seeking recovery of penalty for less return of power by the Respondents, i.e. Saranyu Power Trading Private Limited (SPTPL) & Indian Power Company Limited (IPCL), as per the Banking Agreements executed between the Petitioner and the said Respondents and also for revocation of the inter-State trading licence granted to the Respondent No.1, SPTPL.

Learned counsel submitted that the Respondents, SPTPL and IPCL have failed to return the stipulated power under the Banking Agreements to KEIPL, which KEIPL was in turn required to return to HPPC under its Banking Agreement dated 5.4.2022 with HPPC. Learned counsel submitted that HPPC has already filed Petition Nos. 277/MP/2022 and Ors. for similar prayers against the various trading licensees, including KEIPL, and vide Record of Proceedings for the hearing dated 25.4.2023, the Commission has directed to list the present Petition along with the connected Petitions. Learned counsel also added that the transaction was essentially between two distribution licensees, i.e. HPPC & IPCL, which involved two inter-state trading licensees, KEIPL and SPTPL.

2. Learned counsel for the Petitioner, APPCL, in Petition No. 265/MP/2022 submitted that the Petitioner, an inter-state trading licensee, has also filed the said Petition against SPTPL and IPCL, *inter alia*, seeking specific performance/ damages on account of them having committed a default in returning the energy as per the banking agreement between the parties. Learned counsel submitted that the Respondents had raised certain objections to the jurisdiction of this Commission to deal with the said Petition. However, the Commission, vide its order dated 26.6.2023 admitted the Petition and directed the Respondents to file their reply on merits within four weeks from the date of the order. The said order was, however, challenged by the Respondents before the Appellate Tribunal for Electricity (APTEL) in Appeal (DFR) No. 453 of 2023 and the APTEL by order dated 20.7.2023 has set aside the said order and remanded the matter back to the Commission to decide upon the Petition both on merits and on the jurisdiction afresh.

3. Learned counsel for the Respondent, IPCL, also referred to the APTEL's order dated 20.7.2023 and submitted that the APTEL, in the said order, has directed the Commission to re-consider both the questions raised in the said appeal afresh and to examine the challenge to its jurisdiction to entertain the Petition under Section 79(1) of the Act while adjudicating the said Petition filed by APPCL on its merits without being influenced by any of the observations made in the order dated 26.6.2023 or in those made in the APTEL's order dated 20.7.2023. Learned counsel further submitted that, keeping in view of SPPTL and APPCL's request for two weeks to file their respective replies and rejoinders in Petition No. 265/MP/2022, the APTEL has also observed that it would be open for the Commission to fix any date in the matter after four weeks from 20.7.2023 as the next date of hearing.

4. Learned counsel for the Petitioner, HPPC, in Petition Nos. 277/MP/2022, 278/MP/2022, and 282/MP/2022, submitted that these Petitions are different and independent from Petition Nos. 94/MP/2023 & 265/MP/2022 as the former has been filed by HPPC seeking revocation of the inter-State trading licence granted to the Respondents therein. Learned counsel further submitted that one of the trading licensees, namely, SEL, had also moved an IA before the APTEL in Appeal No.342/2023 (preferred by SEL against the Commission's order dated 30.1.2023 admitting the Petition), *inter alia*, praying for a stay on the proceedings of the Petition No.277/MP/2022, which the APTEL did not grant. In response, learned counsel for SEL submitted that SEL had, as such, not pressed for interim relief before the APTEL. Learned counsel for SEL submitted that SEL had approached HPPC for a mutually agreed settlement, and the order of APTEL dated 17.7.2023 also records this aspect.

Learned counsel for HPPC, however, clarified that, till date, there has been no written/concrete offer of settlement from SEL.

5. Learned counsel for KEIPL submitted that in Petition No. 282/MP/2022, KEIPL has placed on record the offer of settlement as received from SPTPL/IPCL, which was then forwarded to HPPC by KEIPL. Learned counsel submitted that, as such, there is no response from HPPC on these.

6. After hearing the learned counsel for the parties, the Commission admitted Petition No. 94/MP/2023 and directed the Respondents in Petition No. 94/MP/2023 and Petition No. 265/MP/2022 to file their comprehensive replies covering both jurisdiction as well as merits, if any, within four weeks, with a copy to the Petitioners therein who may file their rejoinder, within three weeks thereafter. Insofar as the Petition Nos. 277/MP/ 2022, 278/MP/2022, and 282/MP/2022 are concerned, the Commission *prima facie* observed that the aspects involved in Petition Nos. 94/MP/2023 and 265/MP/2020 may have some bearing while examining HPPC's plea for invocation of provisions of Section 19 of the Electricity Act, 2003, and Regulation 20 of the Trading Licence Regulations, 2020 in the former Petitions. Accordingly, the Commission deemed it appropriate to list these Petitions along with Petition Nos. 94/MP/2023 and 265/MP/2022.

7. The above Petitions shall be listed for hearing on **20.10.2023**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**