

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 238/MP/2021**

**Coram:**

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

**Date of Order: 8<sup>th</sup> February, 2023**

**In the matter of**

Petition under Section 79(1)(f) read with Section 142 of the Electricity Act, 2003 in terms of the orders dated 9.10.2018, 12.4.2019 and 18.4.2019 passed by the Commission in Petition No. 188/MP/2017 and Batch, Petition No. 206/MP/2018 and Batch and Petition No. 164/MP/2018 and Batch respectively seeking consequential recovery of the amount of Rs. 22.66 crores from Karnataka Discoms, paid by the Petitioner as an Intermediary Procurer to Solar Power Developers towards the claim of 'Change in Law' allowed by this Commission.

**And**

**In the matter of**

NTPC Limited,  
NTPC Bhawan, 7, Institutional Area,  
Core-7, Scope Complex,  
New Delhi-110 003.

**....Petitioner**

**Vs.**

1. Chief General Manager,  
Mangalore Electricity Supply Company Limited,  
Paradigm Plaza, A.B. Shetty Circle,  
Pandeshwar, Mangalore-575 001,  
Karnataka

2. Chief General Manager,  
Bangalore Electricity Supply Company Limited,  
Krishna Rajendra Circle,  
Bangalore-560 001, Karnataka

3. Chief General Manager,  
Gulbarga Electricity Supply Company Limited,  
Main Road, Gulbarga,  
Gulbarga-585 102, Karnataka

4. Chief General Manager,  
Hubli Electricity Supply Company Limited,  
P.B. Road, Navangar,  
Hubli-580 025, Karnataka

5. Amplus Pavagada Solar Energy Two Pvt. Ltd.,  
Plot No. 152, Sector-44,  
Gurugram-122 002, Haryana

6. Amplus Tumkur Solar Energy One Pvt. Ltd.  
Plot No. 152, Sector-44,  
Gurugram-122 002, Haryana

7. Parampuja Solar Energy Private Limited,  
7B, Sambhav House,  
Judges Bungalow Road,  
Badakdev, Ahmedabad-380 015, Gujarat

**..Respondents**

### **ORDER**

The Petitioner, NTPC Limited, has filed the present Petition with the following prayers:

*“(a) Direct Karnataka DISCOMs to pay Rs. 22.66 Crores arbitrarily withheld by them to the Petitioner in terms of Order dated 09.10.2018, 12.04.2019 and 18.04.2019 passed by this Commission along with Late Payment Surcharge as per Article 6.3.3 of the PSAs dated 17.05.2016, 17.05.2016 and 04.11.2016 and/or;*

*(b) Initiate action against Karnataka DISCOMs in terms of Section 142 of the Act for deliberate and wilful contravention of the categorical directions passed by this Commission vide the aforesaid orders and/or;*

*(c) Pass such other order(s)/direction(s) as this Commission may deem fit and proper and in light of the facts and circumstances of the present case.*

#### ***I. INTERIM RELIEF:***

*(a) During the pendency of the present proceedings, this Hon'ble Commission may direct the Karnataka-DISCOMs to pay 95% of the invoiced amount under the GST invoices disputed by them in accordance with Clause 6.6.2 and 6.6.7 of the PSAs dated 17.05.2016, 17.05.2016 and 04.11.2016 and/or;*

*(b) Pass such other order(s)/direction(s) as this Commission may deem fit and proper and in light of the facts and circumstances of the present case.”*

2. The Petitioner, vide its letter dated 6.1.2023, has submitted that the Respondents, Karnataka Discoms have paid the claimed amount of Rs. 22.66 crore to NTPC. Accordingly, the Petitioner has sought permission to withdraw the present Petition.
3. The Petition is being decided by circulation. In view of the submission of the Petitioner vide its letter dated 6.1.2023, the Petitioner is permitted to withdraw this Petition.
4. Accordingly, the Petition No. 238/MP/2021 is disposed of as withdrawn.

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

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

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