

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 129/MP/2024**

- Subject : Petition under Section 79, 142 read with Section 146 and 149 of the Electricity Act, 2003 and Regulation 111 and 119 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondent No.1 for non-compliance of the order dated 30.10.2023 passed by the Commission in Petition No. 230/MP/2022.
- Date of Hearing : **19.9.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member
- Petitioner : E.I.D Parry (India) Limited (EIDPIL)
- Respondents : Transmission Corporation of Andhra Pradesh Limited and Ors.
- Parties Present : Shri Manu Seshadri, Advocate, EIDPIL  
Shri Sahil Manganani, Advocate, EIDPIL  
Shri Udit Gupta, Advocate, Respondent 1-3 & 5  
Ms. Pragya Gupta, Advocate, Respondent 1-3 & 5

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking enforcement/execution/implementation of the Commission's order dated 30.10.2023 passed in Petition No. 230/MP/2022 and seeking consequential directions to Respondent No.1 to ensure that the Petitioner's dues are settled forthwith in a time bound manner. Learned counsel further submitted that the claims of the Petitioner pertain to the arrear amounts decided in favour of the Petitioner on account of fixing the Plant Load Factor (PLF) at the rate of 55%, and truing-up of the amount annually instead of on a monthly basis. Learned counsel added that the total arrear amount (till 16.11.2023) is Rs.11.71 crores, which pertains to the financial years 2004-05, 2005-06, 2006-07 and 2009-10.

2. Learned counsel appearing on behalf of the Respondent Nos. 1-3 & 5 sought liberty to file her vakalatnama and further four weeks' time to file a reply in the matter. Learned counsel also submitted that the Commission's order dated 30.10.2023 has been challenged by the Respondents before the Appellate Tribunal for Electricity (APTEL) and the said appeal along with the application seeking a stay is listed for the hearing on 15.10.2024 and the Commission may, therefore, defer the hearing by four to six weeks.

3. In rebuttal, learned counsel for the Petitioner strongly opposed the request of learned counsel for Respondents to defer the hearing in the present case by four to six weeks. Learned counsel submitted that since the Commission's order dated 30.10.2023 has not been stayed by the APTEL, the present proceedings ought not to be deferred

as requested by the Respondents. Learned counsel also pointed out that in the proceedings before the APTEL, the Respondents had offered to pay only the principal amount without any interest thereon, which was opposed by the Petitioner. Learned counsel urged that the Respondents ought to be directed to pay the entire outstanding amount including the interest.

4. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents to file their reply, if any, within four weeks as a final opportunity. The Petitioner was also permitted to file its rejoinder, if any, within a week thereafter.

5. The Petition will be listed for hearing on **5.11.2024**.

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