

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 376/MP/2023**

Subject : Petition under sections 79(1)(f) and (k) of the Electricity Act, 2003 for adjudication of disputes between the parties on the wrongful recovery and appropriation of amounts by GUVNL.

Petitioner : KSK Mahanadi Power Company Limited

Respondents : Gujarat Urja Vikas Nigam Limited

Date of Hearing : **13.3.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Pravas Kumar Singh, Member

Parties Present : Ms. Swapna Seshadri, Advocate, KSKMPCL  
Ms. Aishwarya Subramaniam, Advocate, KSKMPCL  
Ms. Srishti Khindaria, Advocate, GUVNL

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner submitted that in terms of the liberty granted vide Commission's order dated 24.5.2022 in Petition No. 119/MP/2022, this petition has been filed seeking a refund of the performance bank guarantee amount of Rs. 303 crores encashed by the Respondent, GUVNL along with interest as per the Late Payment Surcharge rate provided in the PPA. She further submitted that the petition filed by the Respondent GUVNL before GERC, seeking the performance of the PPA, was dismissed by the GERC vide its order dated 2.3.2022, on the ground that it had no jurisdiction to decide the matter. The learned counsel added that since the FSA with GMDC had been terminated and the PPA with the Respondent GUVNL having rendered impossible to perform, there was no question of maintaining the bank guarantee by the Petitioner.

2. The learned counsel for GUVNL accepted notice and prayed for four weeks' time to file its reply in the matter.
3. The Commission, after hearing the parties, directed as under:
  - (a) Admit and issue notice.
  - (b) The Respondent shall file its reply on or before **25.4.2024** after serving a copy to the Petitioner, who may file its rejoinder, if any, by **16.5.2024**.
4. The Petition will be listed for hearing on **28.5.2024**.

**By order of the Commission**

*Sd/-*

**(B. Sreekumar)  
Joint Chief (Law)**

