

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 151/MP/2024

Subject : Petition under Section 142 of the Electricity Act, 2003 and Regulation 70(2) of CERC (Conduct of Business) Regulations, 2023 read with Sections 42, 47 and Order XXI Rule 10 of Code of Civil Procedure Code, 1908 and read with Regulation 65 of CERC (Conduct of Business) Regulations, 2023 and Section 151 of Code of Civil Procedure Code, 1908 seeking execution/ enforcement/ compliance of the Commission's earlier Orders (in Petition Nos. 160/GT/2012, 7/GT/2016 & 251/GT/2017).

Petitioner : Adani Power Limited

Respondent : Power Company of Karnataka Ltd. & Ors.

Date of Hearing : **25.2.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Amit Kapur, Advocate, APL
Shri Sunak Rajguru, Advocate, APL
Shri Rajesh Jha, Advocate, APL
Shri Kumar Gaurav, APL
Shri Gourav Sharma, APL
Shri M.G. Ramachandran, Senior Advocate, PCKL & Karnataka Discoms
Ms. Bhabna Das, Advocate, PCKL & Karnataka Discoms
Ms. Srishti Kindaria Advocate, PCKL & Karnataka Discoms

Record of Proceedings

During the hearing, the learned counsel for the Petitioner circulated note of arguments and made detailed oral submissions pointing out that the Respondent Escoms have unilaterally and illegally withheld an amount of Rs 566 crores (Rs 203 crore towards carrying cost + Rs 363 crore towards interest on carrying cost) out of the total amount of Rs 786 crore. Accordingly, the learned counsel prayed that the Commission may, in the exercise of its powers under Section 142 of the Electricity Act, 2003, enforce the liability of the Escoms and issue time-bound directions for the release of the outstanding dues towards carrying costs, as per the orders/judgments of the Commission/ APTEL read with the applicable regulations.

2. The learned Senior counsel for the Respondent Escoms objected to the submissions of the Petitioner and clarified (vide note containing the abstract of the payments made by Escoms) that payments have been made to the Petitioner in terms of the Regulations and the directions of the Commission in an order dated 13.1.2023 in Petition No.155/MP/2019 and there are no outstanding dues payable to the Petitioner. He further submitted that there is no provision under the regulations to claim interest on the carrying cost based on the interim orders of APTEL.



3. The learned counsels appearing for the parties submitted that since the pleadings and arguments have been completed, the Commission may reserve its orders in the Petition.

4. The Commission, after hearing the parties, directed the Respondent Escoms to file the particulars, indicating the details of the invoices and the payments made thereof, to the Petitioner, along with short notes, if required, by **16.3.2025**, after serving a copy to the Petitioner, who shall file its response, on or before **26.3.2025**.

5. Subject to the above, and based on the consent of the parties, the order in the Petition was reserved.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

