**CENTRAL ELECTRICITY REGULATORY COMMISSION**
**NEW DELHI**

**Petition No. 126/MP/2022 along with IA No. 41/2022**
**and**
**Petition No. 247/MP/2023**

**Coram:**
**Shri Ramesh Babu V., Member**
**Shri Harish Dudani, Member**
**Shri Ravinder Singh Dhillon, Member**

**Date of Order: 26th October, 2026**

## Petition No. 126/MP/2022 along with I.A. No. 41/2022

**IN THE MATTER OF:**

Petition under Section 79 of the Electricity Act, 2003 seeking execution/implementation of Order dated 20.1.2022 read with Corrigendum Order dated 4.2.2022 passed by this Hon'ble Commission in Petition No. 594/MP/2020 and initiation of proceedings under Section 142 of the Electricity Act, 2003 against DNH Power Distribution Corporation Limited in relation thereto.

**AND IN THE MATTER OF:**

**GMR Warora Energy Limited,**
701/704, 7th Floor, Naman Centre,
A-Wing, BKC (Bandra Kurla Complex),
Bandra, Mumbai- 400051 **…Petitioner**

**VERSUS**

**DNH Power Distribution Corporation Limited,**
Vidhyut Bhavan, Opp. Secretariat
Silvassa, Dadra and Nagar Haveli -396230 **…Respondent**

## Petition No. 247/MP/2023

**IN THE MATTER OF:**

Petition under Section 79 of the Electricity Act, 2003 seeking directions for payment of compensation towards allowed Change in Law events (in terms of supplementary invoices raised by GMR Warora Energy Limited) and execution/implementation of Orders passed by this Commission in terms of Judgment dated 3.3.2023 passed in Civil Appeal No. 684 of 2021 and Judgment dated 20.4.2023 passed in Civil Appeal No. 11095 of 2018 & Batch, and order dated 3.7.2023 and 12.7.2023 in MA No. 1325 of 2023 in Civil Appeal No. 39 of 2021 and Order dated 14.7.2023 in MA No. 1479 of 2023 in Civil Appeal No. 39 of 2021 and initiation of proceedings under

Section 142 of the Electricity Act, 2003 against DNH and DD Power Corporation Limited in relation thereto.

**AND IN THE MATTER OF:**

**GMR Warora Energy Limited**
701/704, 7th Floor, Naman Centre,
A-Wing, BKC (Bandra Kurla Complex),
Bandra, Mumbai- 400051 **…Petitioner**

**Versus**

**DNH Power Distribution Corporation Limited**
Vidhyut Bhavan, Opp. Secretariat
Silvassa, Dadra and Nagar Haveli -396230 **…Respondent**

**Parties Present:**
Shri Vishrov Mukerjee, Advocate, GWEL
Shri Anand Ganesan, Advocate, DNHPDCL

## ORDER

The instant matters have been filed by the Petitioner, GMR Warora Energy Limited (GWEL), against the Respondent, DNH Power Distribution Corporation Limited (DNHPDCL). Petition No. 126/MP/2022 has been filed seeking direction to the Respondent to pay the capacity charges along with Late Payment Surcharge (LPS) as directed by the Commission vide order dated 20.1.2022 read with corrigendum dated 4.2.2022 in Petition No. 594/MP/2020. In addition to this, the Petitioner has also filed Petition No. 247/MP/2023 seeking directions for payment of compensation towards allowed Change in Law events and execution/ implementation of various Orders passed by the Commission in terms of various Hon'ble Supreme Court's judgments.

2. The Petitioner has made the following prayer in Petition No. 126/MP/2022:

> *"(a) Direct execution/ implementation of Order of this Hon'ble Commission dated 20.01.2022 in Petition 594/MP/2020 read with Corrigendum dated 04.02.2022 and direct DNH to pay GWEL Rs. 168.77 Crores comprising principal amount of Rs. 132.03 Crores (for period 26.03.2020 to 30.06.2020) along with LPS (till 31.03.2022) amounting to Rs. 36.77 Crores;*

*(b) Direct DNH to make payment of such LPS amount, for the period beyond 31.03.2022 till the date of actual payment;*

*(c) Pass an order for attachment of bank account of DNH or any other suitable measure/directions to ensure compliance and implementation of this Commission's 594/MP Order (including Corrigendum Order dated 04.02.2022);*

*(d) Initiate proceedings under Section 142 of the Electricity Act against DNH for failure to comply with the directions of this Commission; and*

*(e) Pass any such further order as this Commission may deem necessary in the interest of justice."*

3. The Respondent, DNHPDCL, has also filed an IA No. 41/2022 in Petition No. 126/MP/2022 seeking the following reliefs:

*"(a) Set aside the ex parte order dated 07/06/2022 passed by the Hon'ble Commission to the extent that the Hon'ble Commission has directed Respondent, DNHPDCL, to pay 70% of the principal amounts claimed by GWEL;*

*(b) Pass such other further order(s) at the Hon'ble Commission may deem just in the facts and circumstances of the present case".*

4. The Petitioner has also made the following prayers in Petition No. 247/MP/2023:

*"(a) Direct DNH to pay GWEL Rs. 282.25 crore, comprising principal amount of Rs. 153.15 crore along with LPS (till 30.04.2023) amounting to Rs.153.12 crore less Rs. 23.93 crore deposited by DNH in the Supreme Court, payable by DNH to GWEL as compensation for the Change in Law events allowed in favour of GWEL.*

*(b) Direct execution/implementation of: -*

*(i) Order dated 01.02.2017 in Petition No. 8/MP/2014 read with Judgment of Hon'ble Tribunal dated 14.08.2018 in Appeal No. 111 of 2017, Order dated 16.05.2019 in Petition No. 284/MP/2018 read with Judgment of Hon'ble Tribunal dated 13.10.2021 in Appeal No. 283 of 2019 and Judgment of Hon'ble Supreme Court dated 20.04.2023 in Civil Appeal No. 11095 of 2017 and Batch;*

*(ii) Order dated 14.03.2018 in Petition No. 13/SM/2017 read with Judgment of the Hon'ble Tribunal dated 03.10.2019 passed in Appeal No. 131 of 2019;*

*(iii) Order dated in 16.03.2018 in Petition No. 1/MP/2017;*

*(iv) Order dated 15.11.2018 in Petition No. 88/MP/2018 read with read with Judgment of the Hon'ble Tribunal dated 16.07.2021 in Appeal No. 342 of 2019 and Judgment of Hon'ble Supreme Court dated 03.03.2023 in Civil Appeal No. 684 of 2021 & Batch;*

*(v) Order dated 18.12.2019 in Petition No. 39/MP/2019; and*

*(vi) Order dated 02.04.2019 in Petition No. 71/MP/2018.*

*(c) In the interim, direct DNH to pay 75% of the outstanding amount due and payable to GWEL.*

*(d) Pass an order for attachment of bank account of Respondent DNH or any other suitable measure/directions to ensure compliance and implementation of Orders passed by this Commission as confirmed by the Tribunal and Hon'ble Supreme Court;*

*(e) Initiate proceedings under Section 142 of the Electricity Act against Respondent, DNH for failure to comply with the directions of this Hon'ble Commission; and*

*(f) Pass any such further order as this Commission may deem necessary in the interest of justice."*

5. During the course of hearing on 11.8.2026, the learned counsels for the Petitioner and the Respondent, DNHPDCL, stated that they are in the process of settlement of all the outstanding dues/claims amongst them and accordingly, requested for deferment of the matters. Based on the consent of the parties, the matters were adjourned for 5.11.2026.

6. On 3.9.2026, the Petitions were mentioned by the learned counsels for the Petitioner as well as the Respondent, DNHPDCL, and submitted that they have filed their respective memo(s) and have agreed to settlement amount to be paid to the Petitioner towards full and final discharge of all pending claims in both Petitions. Based on the request of DNHPDCL, the Commission granted additional time of 10 days for the payment of the admitted amounts and also directed DNHPDCL to file a compliance affidavit thereof. Accordingly, both the matters were reserved for order.

7. The Respondent, DNHPDCL, has filed its compliance affidavit dated 22.9.2026 in terms of the directions issued *vide* the Record of Proceedings dated 3.9.2026 and has submitted that DNHPDCL has duly paid all outstanding dues/claims of Rs.301 crore to the Petitioner, as agreed between the parties and the Petitioner has also acknowledged the receipt of the admitted amount as full and final payment of all claims *vide* letter dated 17.9.2026. The relevant excerpts of the affidavit are extracted as under:

"…

*1. That Hon'ble Commission, vide Record of Proceedings dated 03.09.2026, directed the Respondent - DNH and DD Power Corporation Limited **('DNH')** to pay the amounts as computed by it and accepted by the Petitioner - GMR Warora Energy Limited **('GWEL'),** and file to a compliance affidavit on the same.*

*2. That in compliance with the said directions, DNH has duly made the payment of a total sum of Rs 301.00 crore (Rupees Three Hundred and One crore only) to the Petitioner, GWEL, on 16.09.2026.*

*3. The payment has been made strictly in accordance with the amounts computed by DNH as payable under the various Orders of the Hon'ble Commission. This position was also set out in the memo filed by DNH and duly accepted by GWEL in the memo filed by it. The details of the computation and corresponding payments are as follows:*

*(Rs. in crore)*

| Cases | Principal | Carrying Cost/ LPS/ Interest | Total | Case No. | Date of Payment | Payment Transaction Nos. |
|---|---|---|---|---|---|---|
| Capacity Charges | 131.53 | 29.79 | **161.32** | 126/MP/2022 | 16-09-2026 | 1. BARBR52026091600944115<br>2. BARBR52026091600943463<br>3. BARBR52026091600943174 |
| NCDP and As-is-where-is Coal Case | 39.71 | 76.69 | **116.41** | 247/MP/2023 & 25/MP/2020 | | |
| Change in Law | 9.61 | 13.66 | **23.27** | 247/MP/2023 | | |
| **Total** | **180.86** | **120.14** | **301.00** | - | | |

*4. That with the aforesaid payment, all subsisting claims of GWEL under the Power Purchase Agreement dated 21.03.2013 stand fully and finally discharged, and no further claims remain pending between the parties.*

*5. That it is therefore respectfully submitted that the present matters may kindly be disposed of in terms of the above compliance."*

8. The Petitioner has also acknowledged the receipt of the admitted amount of Rs. 301 crore (Three hundred one crore) as full and final payment of all claims *vide* letter dated 17.9.2026. The relevant excerpts of the acknowledgement are as under:

*"Dated: 17th September 2026*
*Ref No.: GWEL/DNHDDPCL/2026/166*

*To,*
*Mr. Sourabh Maheshwari*
*Deputy Manager (Accounts)*
*DNH and DD Power Corporation Limited*
*(formerly DNH Power Distribution Corporation Limited)*

***Subject: Acknowledgment of receipt of payment of Rs. 301,00,00,000/- (Rupees Three Hundred One Crore only) towards full and final discharge of claims under the Power Purchase Agreement dated 21.03.2013, pursuant to Memo dated 26.08.2026 filed by DNH and Memo dated 26.08.2026 filed by GWEL before CERC in Petition No. 126/MP/2022 and Petition No. 247/MP/2023.***

*References:*
*(a) Memo dated 26.08.2026 filed by. DNH*
*(b) Memo dated 26.08.2026 filed by GWEL*
*(c) RoP dated 03.09.2026 passed by CERC*

*Dear Sir,*

*1. We refer to the Memo dated 26.08.2026 filed by DNH and DD Power Corporation Limited (formerly DNH Power Distribution Corporation Limited) ("DNH") before the Hon'ble Central Electricity Regulatory Commission ("CERC") in the above-referred Petitions, admitting its liability to the extent of Rs. 301,00,00,000/- (Rupees Three Hundred One Crore only) towards the claims raised by GMR Warora Energy Limited ("GWEL"), and to the Memo dated 26.08.2026 filed by GWEL in response thereto, as well as the Record of Proceedings (ROP) dated 03.09.2026 passed by CERC in the above Petitions.*

*2. In this regard, we hereby acknowledge receipt of payment of Rs. 301,00,00,000/- (Rupees Three Hundred One Crore only) made by DH, from which an amount of Rs. 2,13,20,860/- (Rupees Two Crore Thirteen Lakh Twenty Thousand Eight Hundred Sixty only) has been deducted towards TDS, resulting in a net amount of Rs. 2,98,86,79,140/- (Rupees Two Hundred Ninety-Eight Crore Eighty-Six Lakh Seventy-Nine Thousand One Hundred Forty only) having been credited to the account of GWEL on 16.09.2026.*

*3. The aforesaid payment has been made pursuant to and in terms of the Memo dated 26.08.2026 filed by DNH and the Memo dated 26.08.2026 filed by GWEL before CERC and constitutes full and final payment/discharge of all claims of GWEL against DNH under the PPA.*

*4. As agreed between the parties, DNH shall withdraw the remaining appeal viz. Appeal No. 80 of 2022 (DNH v. CERC & Anr.), pending before the Hon'ble Appellate Tribunal for Electricity by filing an appropriate application for withdrawal of the Appeal at the earliest".*

9. We have considered the submissions of the learned counsels of the parties and perused the documents on record. It is noted that the issues in these Petitions stand amicably settled between the parties on payment of admitted amount to the Petitioner by the Respondent, DNHPDCL. Both the parties have admitted that no claims or the grievance in these matters survive. Accordingly, Petition No. 126/MP/2022 along with IA No. 41/2022 and Petition No. 247/MP/2023 are disposed of in terms of the above.

| Sd/- | sd/- | sd/- | sd/- |
|---|---|---|---|
| **(Ravinder Singh Dhillon)** | **(Harish Dudani)** | **(Ramesh Babu V.)** | **(Jishnu Barua)** |
| **Member** | **Member** | **Member** | **Chairperson** |



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