

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 169/MP/2022 along with I.A. No. 39/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Power Purchase Agreement dated 9.11.2011 and amended Power Purchase Agreement dated 1.2.2018 seeking quashing of notice for rectification dated 8.6.2022 issued by South Bihar Power Distribution Co. Ltd., Bihar State Power (Holding) Co. Ltd. and North Bihar Power Distribution Co. Ltd

Petitioner : GMR Kamalanga Energy Limited

Respondent : BSPHCL and 2 others

Date of Hearing : **22.9.2026**

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

Parties Present : Shri Basava Prabhu S. Patil, Senior Advocate, GMRKEL
Shri Vishrov Mukherjee, Advocate, GMRKEL
Shri Yashaswi Kant, Advocate, GMRKEL
Ms. Juhi Senguttuvan, Advocate, GMRKEL
Shri Sunil Kumar, Senior Advocate, Bihar Discoms
Ms. Rohini Prasad, Advocate, Bihar Discoms
Ms. Ashika Ranjan, Advocate, Bihar Discoms
Ms. Anupama Jha, Advocate, Bihar Discoms
Ms. Ipsita Parida, Advocate, Bihar Discoms

Record of Proceedings

The matter was called out for hearing through virtual mode.

2. During the hearing, the learned senior counsel for the Petitioner submitted that the matter was reserved for orders on the issue of arbitrability, and, vide order dated 28.6.2026, it was held that the dispute falls within the ambit of tariff regulations and directly impacts the tariff of the generating company and, therefore, requires adjudication. The learned counsel submitted that the matter has accordingly been listed for hearing, and made detailed oral submissions, referring to the pleadings. However, he could not complete his arguments due to a paucity of time.

3. The learned senior counsel for the Respondents requested an early date, pointing out that the Petitioner is enjoying interim relief for some time.

4. The Commission, after hearing the parties, directed as under:

(a) Admit the Petition for adjudication on merits of the dispute.



(b) The Respondents to file their reply on '*merits*', if not filed earlier, on or before **14.10.2026**, after serving a copy on the Petitioner, who may file its rejoinder, if any, on or before **28.10.2026**.

5. The Petition shall be listed for hearing on **3.11.2026**.

By order of the Commission

**Sd/-
(T. D. Pant)
Joint Chief (Law)**

