CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 238/MP/2023

Subject	:	Petition under Section 79 (1) (b) and 79 (1) (f) of the Electricity Act, 2003 on account of the illegal, arbitrary and wrongfully withholding the energy charges from the monthly bills raised to the tune of Rs. 27,89,18,311/- for the supply of power to the Distribution Licensees situated in the State of Haryana and for recovery of dues.
Petitioner	:	SGPL
Respondent	:	PTC and anr.
Date of Hearing	:	**17.11.2026**
Coram	:	Shri Jishnu Barua, Chairperson Shri Ramesh Babu V., Member Shri Harish Dudani, Member Shri Ravinder Singh Dhillon, Member
Parties Present	:	Shri Gopal Jain, Senior Advocate, SGPL Shri Hemant Singh, Advocate, SGPL Shri Harshit Singh, Advocate, SGPL Shri Devyanshu Sharma, Advocate, SGPL Shri Shubham Arya, Advocate, HPPC Shri Anik Majumder, Advocate, HPPC Shri Ravi Kishore, Advocate, PTC Ms. Deepti Dash, Advocate, PTC

Record of Proceedings

The matter was called out for hearing in hybrid mode.

2. During the hearing, the learned counsel for the Respondent, PTC, submitted that the Petition is not maintainable for want of proper authorisation by the Resolution Professional (RP), since the Corporate Insolvency Resolution Process (CIRP) of the Petitioner had commenced pursuant to the order dated 29.4.2022 passed by the National Company Law Tribunal, Mumbai. It was further submitted that, upon commencement of the CIRP, the powers of the Board of Directors stood suspended, and the management and affairs of the Petitioner are vested in the RP under the Insolvency and Bankruptcy Code, 2016. Accordingly, the Petition, having been instituted without authorisation from the RP, is not maintainable.

3. In response, the learned counsel for the Petitioner submitted that the CIRP had since attained finality upon approval of the Resolution Plan, pursuant to which the Petitioner Company stood vested in M/s. Sarda Energy and Minerals Limited, the Successful Resolution Applicant, which had adopted, ratified and was prosecuting the present Petition. It was further submitted that any defect in authorisation was a curable procedural irregularity and could not defeat the substantive claim. In support, reliance

was placed on the judgment of the Hon'ble Supreme Court in *United Bank of India v. Naresh Kumar & Ors.*, reported in (1996) 6 SCC 660, referring to the pleadings.

4. The Commission, after hearing the parties, directed the Petitioner to file its submissions on the issue of '*maintainability*', along with the chronology of events, enclosing relevant documents relating to the CIRP proceedings, on or before **14.12.2026**, after serving a copy thereof on the Respondents. The Respondents are permitted to file their submissions on '*maintainability*' on or before **28.12.2026**.

5. The Petition shall be listed for hearing on **7.1.2027.**

By order of the Commission

Sd/-
(Vipan Sharma)
Deputy Chief (Law)