

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.244/MP/2026 along with IA No.85/2026**

Subject : Petition under Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 read with the provisions of the Power Supply Agreement dated 05.01.2011 and Power Purchase Agreement dated 25.03.2011, for setting aside and/ or quashing the invoices raised by the Respondents pursuant to the orders dated 11.02.2026 and 25.03.2026 passed by this Commission in Petition No. 305/MP/2015.

Petitioner : West Bengal State Electricity Distribution Co. Ltd. (WBSEDCL)

Respondents : Adhunik Power and Natural Resources Limited (APNRL)

Date of Hearing : **11.6.2026**

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

Parties Present : Shri Sanjay Sen, Sr. Advocate, WBSEDCL  
Shri Sakya Singha Chaudhari, Advocate, WBSEDCL  
Ms. Shreya Dubey, Advocate, WBSEDCL  
Ms. Sanya Miglani, Advocate, WBSEDCL  
Shri Sajan Poovayya, Sr. Advocate, APNRL  
Shri Deepak Khurana, Advocate, APNRL  
Shri Vineet Tayal, Advocate, APNRL  
Ms. Monalika Chaudhary, Advocate, APNRL  
Ms. Raksha Agarwal, Advocate, APNRL  
Shri Shiv Singh, APNRL  
Shri Ravi Kishore, Advocate, PTC  
Ms. Deepti Dash, Advocate, PTC

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petition has been filed *inter alia* for setting aside and/or quashing the invoices dated 15.4.2026 raised by the Respondents ("Impugned Invoices") pursuant to the Commission's orders dated 11.2.2026 and 25.3.2026 in Petition No. 305/MP/2015. The learned senior counsel mainly submitted as under:

(a) By the Impugned Invoices, the Respondents have claimed the Change in Law compensation, along with carrying cost, amounting to Rs. 1165.69 crore. However, according to the Petitioner, there are material discrepancies in the computations of both the principal amount and the carrying cost.

(b) While computing the Change in Law compensation (i.e., principal amount), the Respondents have incorrectly considered the normative SHR and SFC based on CERC Tariff Regulations. According to the Petitioner, these parameters ought to

have been taken into consideration by Jharkhand Electricity Regulatory Commission while determining the tariff of Respondent No.1 under Section 62 of the Act.

(c) The Respondents have also computed the carrying cost on a compounded basis, which is contrary to the express directions of the Commission in the aforesaid Orders and the provisions of the PPA/PSA governing the parties.

(d) Against the total claim of Rs. 1165.69 crore (comprising Rs. 517.94 crore towards principal and Rs. 647.75 crore towards carrying cost) under the Impugned Invoices, the admissible amount is Rs. 871.63 crore (comprising Rs. 489.38 crore towards principal and Rs. 382.25 crore towards carrying cost). The Petitioner has already paid Rs. 188.89 crore to the Respondents.

(e) However, the remaining disputed amounts require adjudication by the Commission of the disputes between the parties as indicated above.

(f) As the Impugned Invoices have also been uploaded on the PRAAPTI Portal with the default trigger date of 15.6.2026, the Petitioner is also pressing for interim reliefs as prayed in IA No. 85/2026, failing which the Petitioner shall be subjected to the regulation of power supply in terms of LPS Rules. The Petitioner is also willing and undertakes to pay an additional Rs. 100 crores to the Respondent before the next date of hearing.

2. The learned senior counsel for Respondent No.1/APNRL, while opposing the maintainability of the Petition, submitted as under:

(a) The Commission, *vide* order dated 11.2.2026, has categorically noted that the grant of carrying cost to APNRL therein is in accordance with the other similar Petitions, namely, Petition No. 260/MP/2019 and 292/MP/2019, and further directed the parties to calculate the compensation strictly in accordance with the order and as per the issues settled based on PFCCL Report.

(b) PFCCL was appointed, pursuant to WBERC's order dated 29.7.2022, to undertake the determination of the amount payable towards Change in Law claims allowed in Petition Nos. 255/MP/2017, 260/MP/2019 and 292/MP/2019 *inter se* the parties herein. PFCCL, in its report dated March 2024, also computed the amounts payable towards carrying cost, considering the compounded interest, which has been paid by the Petitioner. Hence, the Petitioner cannot now turn around and contest the computation of carrying cost on a compounded basis in these proceedings.

(c) Notably, the Petitioner has also recently challenged the approach adopted in the PFCCL Report before WBERC; however, there is no stay thereof.

(d) By way of the present Petition, the Petitioner cannot seek any modification of the orders passed by the Commission in Petition No. 305/MP/2015.

(e) The orders dated 11.2.2026 and 25.3.2026 passed by the Commission are essentially money decrees. It is well established that ordinarily the money decree

should not be stayed unless the judgment debtor deposits the decretal amount in the Court and on such deposit, the successful party is permitted to withdraw the money on furnishing the security to the satisfaction of the Court. However, if at all, such dispensation is to be applied in this case, it can only be applied to the disputed amount of Rs. 297.06 crore and not to the admitted amount of Rs. 871.63 crore.

(f) It is also not permissible for the Petitioner to seek the payment of this admitted amount through instalment. The Petitioner had already filed an IA to this effect in Petition No. 305/MP/2015, which has not been pressed so far.

(g) As regards the default trigger date on PRAAPTI Portal, the Petitioner itself in the Pleadings has stated that the default trigger date is 30.6.2026.

3. In response, the learned senior counsel for the Petitioner submitted that the orders dated 11.2.2026 and 25.3.2026 are not akin to the money decree. Also, the PFCCCL Report is silent on allowing the carrying cost to be calculated on a compounded basis; however, in the computations, it has been calculated on a compounded basis. In any case, the approach adopted in the said Report has been challenged by the Petitioner before the WBERC, and the matter is pending adjudication. The learned senior counsel added that the Petitioner had also mentioned the IA filed in Petition No. 305/MP/2015, requesting its listing for hearing.

4. The learned counsel for Respondent No.2/PTCIL, while clarifying on the aspect of the default trigger date, submitted that, as per the LPS Rules, the default trigger date is worked out as one month after the due date of payment or two and a half months after the presentation of the bill, whichever is later.

5. After hearing the learned senior counsel and learned counsel for the parties, the Commission directed as follows:

(a) Issue notice on maintainability as well as merits.

(b) The Respondents to file their comprehensive replies to the Petition as well as IA, if any, within 7 days with a copy to the Petitioner, who may file its rejoinder(s), if any, within 7 days thereafter.

(c) In the interregnum, the Petitioner shall be at liberty to pay the admitted amounts towards the Change in Law compensation and carrying cost, as it may deem fit, before the next date of hearing and the same shall be without prejudice to the rights and contentions of the parties.

6. The Petition, along with IA, will be listed for hearing on **24.6.2026**.

**By order of the Commission**  
Sd/-  
(T.D. Pant)  
Joint Chief (Law)