

**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 Ltd. (APNRL) and Anr.

Date of Hearing : **29.6.2026**

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
Shri Anurag Vats, Advocate, APNRL
Shri Ravi Kishore, Advocate, APNRL
Ms. Deepti Dash, Advocate, APNRL

Record of Proceedings

At the outset, the learned senior counsel for the Petitioner submitted that as on the date, the Petitioner has already made the payment of the entire admitted amount of 871.63 crore to the Respondent(s) and the remaining amount of Rs. 294.06 crore is the subject matter of dispute on two counts, namely, application of operational parameters (SHR & Secondary Fuel Consumption) and methodology for carrying cost (simple/compound interest), which need to be adjudicated by this Commission. However, as the default trigger date on the PRAAPTI Portal for the supplementary invoices raised by the Respondents is 30.6.2026, the Petitioner is pressing for an urgent interim direction restraining the Respondents from taking any coercive measures, including under the LPS Rules.

2. The learned senior counsel for Respondent No.1/APNRL submitted that the Commission, *vide* order dated 11.2.2026, has specifically directed the parties to calculate the compensation strictly in terms of the said order and as per the issues settled based on the PFCCL report. PFCCL was appointed, based on the joint application of the parties, as an independent agency to undertake the determination of the amount payable on account of Change in Law claims as allowed by this Commission in Petition Nos. 255/MP2017,



292/MP/2019 & 292/MP/2019. In its report titled "Impact Assessment of Claims towards Change in Law" dated March 2024, PFCCL had *inter alia* computed the amount payable towards carrying cost on Change in Law compensation, considering the compounding of interest, and the Petitioner has duly made the payment in terms thereof. Accordingly, the learned senior counsel submitted that, by way of the present Petition, the Petitioner cannot be allowed to reopen the issue of carrying cost computation and the present Petition is therefore not maintainable. The learned senior counsel also submitted that while the Petitioner has challenged the Commission's orders dated 11.2.2026 and 25.3.2026 before the APTEL, there is no stay of these orders. The Petitioner has also belatedly challenged the methodology adopted in the PFCCL Report before WBERC; however, no stay has been granted/operating. The learned senior counsel emphasised that the Petitioner is liable to pay the entire Rs. 1165.69 crore computed as per the Commission's order, and if at all any interim protection is to be granted, the Petitioner ought to be put to terms, requiring it to pay the balance amount within the timeline as may be deemed appropriate by the Commission. The learned senior counsel further submitted that, as per his instructions, the Respondent has so far received the amount of Rs. 532.89 crore.

3. In response, the learned senior counsel for the Petitioner submitted that Respondent No.1/APNRL had itself not sought any reliefs based on the PFCCL Report and the reference to the issues settled in terms of the PFCCL Report is with regard to the discrepancies/objections raised in relation to the data submitted by APNRL and not regarding the computation of carrying cost. The learned senior counsel also added that in the absence of any interim protection, the Petitioner will be subjected to the curtailment of approximately 2000 MW of short-term open access after the default trigger date.

4. The learned counsel for Respondent No.2/PTCIL submitted that PTCIL has received approximately Rs. 300 crore from the Petitioner today itself, and thus the entire admitted amount of Rs. 871.63 crore has been received, which will be transferred to Respondent No.1/APNRL.

5. After hearing the learned senior counsel and learned counsel for the parties, the Commission observed that the issues of maintainability as well as the computation of the Change in Law compensation & carrying cost would require a detailed hearing, for which the matter will be taken up separately on a shorter date. However, keeping in view that the Petitioner has paid an admitted amount of Rs. 871.63 crore (against the total claims of Rs. 1165.69 crore), the Commission deemed it appropriate to direct that no coercive steps shall be taken against the Petitioner in relation to the supplementary invoice raised by the Respondent(s) dated 15.4.2026 till the next date of hearing.

6. The Petition will be listed for hearing on **6.8.2026**.

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