

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 82/MP/2021

Subject : Petition under section 79(1)(f) of the Electricity Act, 2003 for directions on illegal claim towards the transmission charges for the period 16.6.2013 to 13.8.2013 and capacity charges for the period 16.6.2013 to 26.7.2013 including late surcharge fee by illegal invoking letter of credit by KSK Mahanadi Power Company Limited for the period without supplying power to the petitioners.

Petitioner : SPDCL and 5 others

Respondent : KSK Mahanadi Power Company Limited and 4 others

Petition No. 38/MP/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising under the Power Purchase Agreement dated 31.7.2012 between the Petitioner and the Respondents.

Petitioner : KSK Mahanadi Power Company Limited

Respondent : TSSPDCL and 3 others

Date of Hearing : **31.7.2026**

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

Parties Present : Ms. Aishwarya Subramani, Advocate, KSKPCL
Shri S. Vallinayagam, Advocate, Telangana and AP Discoms
Ms. Bhavya Arora, Advocate, Telangana and AP Discoms

Record of Proceedings

At the outset, the learned counsels for the Telangana and AP Discoms submitted that, in view of the declaration of a moratorium under Sections 13 and 14 of the Insolvency and Bankruptcy Code, 2016 by the National Company Law Tribunal (NCLT), the hearing of the present Petitions was adjourned *sine die* vide the RoP of the hearing dated 27.3.2023. He further submitted that the disputes involved in the present Petitions are contractual in nature and do not pertain to tariff and, therefore, the Commission may either adjudicate the issues involved or refer the disputes to arbitration. Learned counsel submitted that the disputes involved in Petition No. 91/MP/2018, Petition No. 53/MP/2021, Petition No. 61/MP/2021 and Petition No. 149/MP/2021 arise out of the same Power Purchase Agreement (PPA) and are between the same parties, and, prayed that the present Petitions may be taken up after the adjudication of the aforesaid Petitions. Learned counsel also submitted that,



since KSKMPCL has been taken over by JSW Energy Limited, the latter may be impleaded as a party to the present proceedings.

2. Learned counsel for KSKMPCL submitted that the Corporate Insolvency Resolution Process (CIRP) has attained finality and that the pre-CIRP claims continue to be dealt with by the Committee of Creditors, which has authorised the counsel to represent KSKMPCL in the present proceedings.

3. Based on the submissions of the parties, the Commission adjourned the hearing of the present Petitions. Meanwhile, KSKMPCL is directed to place on record, by way of an affidavit, the subsequent developments relating to the CIRP in the matter. Meanwhile, the parties are directed to complete the pleadings on merit within four weeks.

4. The Petitions shall be listed for the hearing on **22.10.2026**.

By order of the Commission

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

