

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION BHOPAL

Subject: In the matter of Petition under Section 86 (1) (b) of the Electricity Act, 2003 for recovery of dues payable by MPPMCL to the Petitioner under the terms of the power Purchase Agreement dated 05.01.2011 for the months of April' 2020 and May' 2020.

Petition No. 03 of 2024

ORDER

(Date of Order: 21st February, 2024)

BLA Power Company Ltd.

84, Maker Chambers III,
Nariman Point, Mumbai,
Maharashtra- 400021

- **Petitioner**

V/s

- 1. Managing Director,**
MP Power Management Co. Ltd.,
Shakti Bhawan, PO Vidhyut Nagar,
Rampur, Jabalpur - 482008
- 2. Managing Director,**
MP Poorv Kshetra Vidhyut Vitaran, Co. Ltd.,
Shakti Bhawan, PO Vidhyut Nagar,
Rampur, Jabalpur - 482008
- 3. Managing Director,**
MP Madhya Kshetra Vidhyut Vitaran, Co. Ltd.,
Nishtha Parisar, Bijalee Nagar,
Govindpura, Bhopal (MP),
- 4. Managing Director,**
MP Paschim Kshetra Vidhyut Vitaran, Co. Ltd.,
GPH, Pologround, Indore

Respondents

Subject Petition has been filed by M/s BLA Power Ltd. under Section 86 (1) (b) of the Electricity Act, 2003 for recovery of dues payable by MPPMCL to the Petitioner under the terms of the power Purchase Agreement dated 05.01.2011 for the months of April' 2020 and May' 2020.

2. Vide affidavit dated 19.02.2024, the petitioner has sought permission to withdraw the subject petition no. 03 of 2024 with the following submission:
 - (i) *Despite the Petitioner's letters dated 06.04.2020, 09.04.2020 and 04.05.2020, MPPMCL had failed to make payments of the invoices dated 09.05.2020 and 09.06.2020, duly raised by the Petitioner for the months of April' 2020 and May' 2020. The Petitioner has been requesting the Respondent No. 1 to clear the aforesaid invoices, however, the Respondent No.1, has not yet made the payments. Therefore, the Petitioner was compelled to file the present petition.*

Subject: In the matter of Petition under Section 86 (1) (b) of the Electricity Act, 2003 for recovery of dues payable by MPPMCL to the Petitioner under the terms of the power Purchase Agreement dated 05.01.2011 for the months of April' 2020 and May' 2020.

- (ii) *This Commission by an order dated 09.09.2022 passed in Petition No. 27 of 2022 (M/s Jaiprakash Power Ventures Limited vs. MPPMCL &Ors.) and an order dated 18.11.2021 passed in Petition No. 10 of 2021 (M/s Jhabua Power Ltd vs MPPMCL &Ors.) directed Madhya Pradesh Power Management Company Ltd. (MPPMCL) to pay Capacity Charges / Fixed Charges to similarly placed generating companies, for the period of 24.03.2020 to 31.05.2020 along with late payment surcharge in accordance to the provisions under the MPERC Tariff Regulations, 2020 and the PPA executed between the parties.*
- (iii) *Furthermore, in an appeal filed by MPPMCL before the Hon'ble Appellate Tribunal for Electricity against the aforesaid orders being Appeal No. 458 of 2023 (MPPMCL vs. M/s Jaiprakash Power Ventures Limited), the Hon'ble Tribunal by an interim order dated 10.10.2023 directed MPPMCL to pay **80% of the principal amount**, due in terms of the impugned order, to the generating companies.*
- (iv) *The Petitioner has been consistently pursuing the issue with MPPMCL and seeking recovery of dues for the months of April and May'2020. Now, therefore, the parties have agreed to amicably resolve the dispute and MPPMCL has agreed to release payments to the Petitioner/Applicant, in terms of the interim order dated 10.10.2023 passed by the Hon'ble Tribunal in Appeal No. 458 of 2023. Accordingly, the Applicant craves leave of this Commission to withdraw the present petition, in view of the settlement arrived at between the parties.*
- (v) *The present petition is listed for motion hearing before this Commission on 27.02.2024. The Applicant craves leave of the Commission to withdraw the present petition on the said date and order for refund of the fee deposit along with the petition.*

3. Considering the request, the Petitioner is allowed to withdraw the subject petition.

The subject petition is disposed of as withdrawn.

(Prashant Chaturvedi)
Member

(Gopal Srivastava)
Member (Law)

(S.P.S. Parihar)
Chairman