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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12858/2024 & CM APPL. 53651/2024 (stay)**

MEIL ANPARA ENERGY LIMITED

.....Petitioner

Through: Mr. Jayant Bhushan, Sr. Adv. with
Mr. Sakya S. Chaudhuri, Mr. Avijeet
Lala, Ms. Ritika Singhal, Mr.
Amartya Bhushan and Mr. Chandan
Kumar, Advs.

versus

POWER GRID CORPORATION OF INDIA LIMITED & ORS..

....Respondents

Through: Mrs. Suparna Srivastava, Ms. Divya
Sharma and M.s Arshiya Sharma,
Advs. for R-2.
Mr. Apoorv Kurup, CGSC with Mr.
Arnav Mittal, G.P. for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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12.09.2024

CM APPL. 53652/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12858/2024 & CM APPL. 53651/2024 (stay)

3. Heard learned senior counsel appearing for the petitioner and learned counsel appearing for respondent no.2, on advance notice.
4. The petitioner is a power generating company falling under the definition provided in Section 2(28) of the Electricity Act, 2003 and is stated



to be operating a coal-based thermal power plant.

5. The solitary grievance raised in the instant writ petition pertains to the relinquishment charges against which an invoice of Rs. 20.83 crores has been raised by Power Grid Corporation of India Limited. Thus, the limited issue which the petitioner seeks to agitate is whether the said charges can be levied on the petitioner.

6. Learned senior counsel appearing for the petitioner submits that the association in which the petitioner is a member of, was contesting the issue in question. In the matter which the association was contesting, certain interim protection came to be granted to the association, which was not extended to the petitioner herein along with some other similarly placed electricity generators. In view of the non-extension of the interim protection, the petitioner, through the association, filed an application in the pending appeal no. 417/2019 before the Appellate Tribunal for Electricity [“APTEL”]. In the aforesaid application, the petitioner sought to stay the demand raised by the respondents therein *qua* the petitioner.

7. The APTEL, *vide* order dated 02.09.2024, allowed the association to withdraw the application. Following this, the petitioner approached the Central Electricity Regulatory Commission [“CERC”] through substantive proceedings to seek a stay of the demand in question. Learned counsel, therefore, submits that based on parity, amongst various other legal aspects, he is entitled for a stay while the proceedings are pending before CERC. The petitioner further submits that on 06.09.2024, immediately after the APTEL's order dated 02.09.2024, he approached the CERC and requested for an urgent hearing of the matter. As per the submissions advanced by the learned counsel, the CERC does not hold regular sittings and therefore, it is



unlikely that any order will be issued before 17.09.2024.

8. Learned senior counsel, therefore, submits that if the order dated 12.03.2024 *vide* Ref No: CTUIL/BCD/Serial No:94600039 is perused, the same would indicate that the petitioner is liable to pay an amount of INR 20.83 Crores. Furthermore, the respondent, by way of an email dated 28.08.2024 has communicated that if the petitioner is unable to deposit the said amount within 15 days, i.e., the midnight of 12.09.2024, the respondent would discontinue the Long Term Open-Access.

9. The submissions advanced by the learned senior counsel appearing for the petitioner are strongly opposed by learned counsel for respondent no.2, who appears on advance instructions. She, while taking the Court through various dates on the record, indicates that the petitioner had sufficient time to take up necessary proceedings in accordance with law.

10. According to her, the CERC, in other cases where similar matters were placed before for consideration, has provided interim reliefs protecting the concerned electricity generators. While doing so, the CERC directed the generators to deposit an amount of 25% of the demand within a period of two weeks.

11. Learned counsel for respondent no.2, therefore, places the thrust of her contentions on two grounds i.e., i) At the outset, she contends that the petitioner is not entitled for any interim relief or protection, ii) In the event the Court deems it appropriate to grant any interim protection to the petitioner, she submits that the same conditions which the CERC imposed in its proceedings dated 05.09.2024 with respect to Srijan Energy Systems Pvt. Ltd. be made applicable on the petitioner herein.



12. Learned senior counsel appearing on behalf of the petitioner, at this stage, submits that the petitioner would not have any objection if the Court deems it fit and directs for the similar arrangements as has been directed by the CERC in its order dated 05.09.2024.

13. In view of the aforesaid, after considering the submissions advanced on behalf of both the parties, the Court deems it appropriate to direct the petitioner to deposit 25% of the amount as mentioned in the impugned communication dated 28.08.2024 within two weeks from today and the operation of the impugned communication is stayed till the CERC hears the matter on the question of interim relief.

14. Needless to state that the aforesaid arrangement shall remain subject to further directions to be passed by the CERC.

15. The parties are directed to request the CERC for listing of the matter before the expiry of two weeks.

16. If such a request is made, the same would undoubtedly be appropriately considered by the CERC.

17. In view of the aforesaid, the petition stands disposed of.

18. A copy of this order be given *Dasti* under the signatures of the Court Master to learned counsel appearing on behalf of the parties.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 12, 2024/p