

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1880 of 2020.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 for recovery of termination compensation under the Power Purchase Agreement (PPA) dated 29.05.2007.

Petitioner : Gujarat Urja Vikas Nigam Limited,
Represented By : Learned Advocates Ms. Ranjitha Ramachandran,
Ms. Anushree Bardhan and Ms. Srishti Khindaria
alongwith Ms. Sailaja Vachhrajani, Ms. Girija Dave
and Shri Kandarp Mistry

V/s.

Respondent : M/s Era Landmarks (I) Limited
Represented By : Nobody was present.

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 05/07/2021.

DAILY ORDER

1. The present matter was listed for hearing on 24.06.2021 through virtual hearing by Video Conferencing on account of prevailing COVID 19 pandemic.

2. During the hearing today, Ld. Advocate Ms. Ranjitha Ramachandran, on behalf of the Petitioner GUVNL submitted that the present Petition is filed under Section 86 of the Electricity Act, 2003 for recovery of termination compensation under the Power Purchase Agreement (PPA) dated 29.05.2007 on account of O&M default.
- 2.1. She further submitted that initially the aforesaid PPA dated 29.05.2007 was entered into between the Petitioner GUVNL and M/s Era Infrastructure (I) Limited. Thereafter, the Petitioner was informed vide letter dated 29.02.2008 that the name of M/s Era Infrastructure (I) Limited has been changed to M/s Era Landmarks (I) Limited and subsequently vide letter dated 02.01.2014 it was informed to the Petitioner that the name has been ultimately changed to as M/s Era Landmark Limited. Accordingly, Supplemental PPA dated 13.01.2014 was executed between the parties and is also reflected in the said Supplemental PPA. She also submitted that upon verification, it appears that the name of M/s Era Landmarks (I) Limited has subsequently been changed to M/s Adel Landmarks Limited. As per the Company Master Data available on the Ministry of Corporate Affairs Website the Corporate Identification Number (CIN) of M/s Adel Landmarks Limited is also same as of M/s Era Infrastructure (I) Limited.
- 2.2. She submitted that as per the data available on the website of the Ministry of Corporate Affairs, the registered address/correspondence details of the Respondent is shown at New Delhi Address whereas Address other than Registered Address where all or any books of account and papers are maintained is at Noida UP.
- 2.3. She submitted that a copy of the Petition was sent to the Respondent by RPAD on the registered address of the Respondent Company as per the Ministry of Corporate Affairs website which has been duly delivered. Also, a copy of the Hearing Notice of the Commission and link for the hearing was also emailed to the Respondent at the email address taken from the website of Ministry of Corporate Affairs and the same has not bounced back.
- 2.4. She further submitted that upon further enquiry, it emerged that NCLT Delhi vide its Order dated 05.12.2018 has initiated Corporate Insolvency Resolution Process against M/s Adel Landmarks Limited (erstwhile Era Landmarks (I) Limited / Era Infrastructure (I) Limited) under the provisions of the Insolvency and Bankruptcy Code, 2016 and Interim Resolution Professional has been appointed. She submitted that in terms of provisions of the Insolvency and Bankruptcy Code, 2016, there is a moratorium prohibiting the institution of suits or

continuation of pending suits or proceedings against the corporate debtor. She submitted that since it is not under liquidation but at Resolution stage, the Commission is requested to suspend the present proceedings filed against the Respondent sine die till the matter is decided by NCLT with liberty to the Petitioner to take appropriate steps in law or may adjourn the matter and list the same so that the Petitioner can update the Commission regarding the status of the aforesaid proceeding before NCLT.

- 2.5. She submitted that the Petitioner has filed an affidavit dated 23.06.2021 in this regard duly incorporating the above.
3. We have considered the submissions made by Ld. Advocate for the Petitioner. Considering the request of the Petitioner to adjourn the matter to enable the Petitioner to provide updated status regarding Corporate Insolvency Resolution Process, we decide to adjourn the matter to be listed after three months for seeking aforesaid status from the Petitioner. We direct the staff of the Commission to list the matter after three months with notice of hearing to the Petitioner only. In the meantime, the Petitioner is at liberty to update the Commission regarding status of NCLT proceedings through affidavit.
4. The next date of hearing will be intimated separately.
5. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 05/07/2021.