

**Central Electricity Regulatory Commission
New Delhi**

RECORD OF PROCEEDINGS

Petition No. 45/2010

Subject: Petition under Section 79 of the Electricity Act, 2003, seeking directions to M.P. Power generating company Ltd (Respondent No. 3) for filing of ARR and petition for determination of tariff in respect of the Rajghat Hydro Power Project before the Commission.

Date of Hearing: 23.3.2010

Coram: Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member

Petitioner: Uttar Pradesh Power Corporation Ltd (UPPCL)

Respondents: Secretary Energy Dept, State of M.P., MPSEB, MPGENCO and MPTRADECO,

Parties present: Shri Arpit Higgins, Advocate, UPPCL
Shri Pharmesh Misra, Advocate, UPPCL

The petitioner, UPPCL has filed this petition under Section 79 of the Electricity Act, 2003, (hereinafter "the Act") seeking directions to M.P. Power generating company Ltd (Respondent No. 3) for filing of ARR and petition for determination of tariff in respect of the Rajghat Hydro Power Project (hereinafter called "the generating station") before the Commission.

2. The learned counsel for the petitioner has submitted that the generating station has been developed by the erstwhile MPSEB and the erstwhile UPSEB in the State of Madhya Pradesh and the terms and conditions for development of the project including those related to investment, funding, and development and sharing of power were agreed upon by MPSEB and UPSEB by Minutes of Meeting dated 3.3.1993, wherein the total share of the erstwhile UPSEB in the total installed capacity of the project was agreed to be 50%. The learned counsel also submitted that in terms of the agreement the respondents have not commenced supply of the petitioner's share of power from the generating station nor any compensation was paid for non-supply of power. The learned counsel further submitted that in terms of clause (b), (c) and (f) of Section 79 (1) of the Act, the Commission has the jurisdiction to adjudicate the disputes between the parties and prayed that the petition be admitted and directions issued on the respondents.

3. Admit. issue notice. The petitioner is directed to serve copy of the petition on the respondents by 8.4.2010 and the respondents to file its replies latest by 23.4.2010. Rejoinder if any, by 30.4.2010.

4. Matter to be re-notified for hearing on 6.5.2010.

Sd/-
T.Rout
Joint Chief (Law)