

**Central Electricity Regulatory Commission
New Delhi**

RECORD OF PROCEEDINGS

Petition No. 125/2011

Subject: Signing of PPA by NTPC Ltd during the period October, 2010 to 5.1.2011 for supply of 37000 MW of electricity abusing its dominant position thereby causing adverse effect on competition in electricity industry.

Date of Hearing: 3.11.2011

Coram: Dr. Pramod Deo, Chairperson
Shri M.Deena Dayalan, Member

Petitioner: Association of Power Producers (APP), New Delhi

Respondent: NTPC, New Delhi

Parties present: Shri Amit Kapur, Advocate, APP
Ms. Sugandha Somani, Advocate, APP
Ms. Poonam Verma, Advocate, APP
Shri M.G.Ramachandran, Advocate, NTPC
Ms. Swapna Seshadri, Advocate, NTPC
Shri V.K.Padha, NTPC
Shri C.K.Mondal, NTPC
Shri Manoj Dubey, Advocate, MPPTCL
Shri Neeraj Yadav, CSPTCL
Shri Amit Kumar, CSPTCL
Shri B.M. Bhamu, AVVNL

The learned counsel for the petitioner pointed out that in terms of the proceedings held on 8.9.2011, the respondent, NTPC has filed its submissions in the matter on 28.10.2011 and prayed that four weeks time may be granted to the petitioner to file its response/additional information to the same.

2. The learned counsel for the respondent NTPC did not object to the prayer of the learned counsel for the petitioner. However, the learned counsel submitted that the petitioners have filed the petition as association of persons, but have not individually signed the petitions and/or given their particulars. Some of the members of the association viz, M/s Jindal Power Ltd and M/s GVK Power Ltd have not submitted any information regarding their generating companies. Since the petitioner association has filed the application under Section 60 of the Electricity Act, 2003, all relevant information regarding the projects of the members of the petitioner association should have been furnished. The petition is thus not maintainable.

3. The learned counsel for the respondent, MPPTCL submitted that the Commission may decide the question of maintainability of the petition in terms of the law laid down by the Supreme Court for filing of petitions by the Associations.

4. The learned counsel for the petitioner clarified that it has sought four weeks time to respond to the submissions of the respondents and to submit additional information, if any, in the matter. He also prayed that a firm date may be fixed by the Commission for disposal of the matter.

5. The Commission directed the petitioner and the respondent, NTPC to furnish project-wise information for the period from 1.10.2010 to 5.1.2011 as under:

- (a) Date of investment approval;
- (b) Details of project where investment approval has been given and/or not given;
- (c) The time frame for completion of projects for commercial operation.
- (d) Copy of Page -No 8 of Annexure -A of the affidavit dated 27.7.2011 filed by respondent, NTPC.

6. The prayer of the learned counsel for the petitioner for time to file its response was accepted. The parties are also directed to file the information as required at paragraph 5 above, with copies to the other, along with their responses on or before 16.12.2011. The parties are directed to complete the pleadings in the matter prior to the next date of hearing.

7. Matter shall be listed for final hearing on 22.12.2011.

Sd/-
(T.Rout)
Joint Chief (Law)