

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 319/MP/2013

Subject : Petition seeking a declaration that COD by the generating company was illegal and not in accordance with the terms of the PPA and prudent utility practices.

Date of hearing : 27.3.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member

Petitioner : Tata Power Delhi Distribution Limited

Respondents : Jhajjar Power Limited and another

Parties present : Shri Alok Shankar, Advocate, TPDDCL
Shri Sandeep Kumar, TPDDCL
Shri Sumit, TPDDCL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filled for adjudication of dispute between the petitioner and respondent, Jhajjar Power Limited (JPL) with regard to declaration of commercial operation of JPL's generating station. Learned counsel for the petitioner submitted as under:

(a) On 20.1.2009, Tata Power Trading Company Limited (TPTCL) entered into a Power Purchase Agreement (PSA) with JPL for off-taking 10% power from the generating station.

(b) Pursuant to the PPA, TPTCL entered into Power Purchase Agreement (PSA) with the petitioner for 10% of the availability capacity (132 MW) of the generation station. The power supply from the generating station had to commence by January 2012.

(c) JPL did not have a fuel supply agreement and was therefore, not in a position to generate power. However, JPL declared commercial operation of units-I and II of its generating station on March 2012 and July 2012, respectively. Thereafter, negligible power has been supplied to the petitioner, while the petitioner has been forced to incur transmission charges of approximately ₹ 33 crore.

(d) The act of JPL to declare commissioning without availability of coal was intended to deceive its off-takers including the petitioner into believing that a firm supply of power from the generating station would commence.

2. After hearing the learned counsel, the Commission directed to issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents by 17.4.2014. The respondents were directed to file their replies by 6.5.2014, with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 21.5.2014.

4. The petition shall be listed for hearing on 27.5.2014.

By order of the Commission

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