

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 231/MP/2015**

Subject : Petition under Section 79 (1) (c) of the Electricity Act, 2003 read with Section 28 of the Electricity Act, 2003.

Date of hearing : 17.12.2015

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : Coastal Gujarat Power Limited

Respondents : Western Regional Load Despatch Centre and others

Parties present : Shri V.Mukherjee, Advocate, CGPL  
Shri Suresh Mukherjee, Advocate, PGCIL  
Shri Gautam Chawla, Advocate, PGCIL  
Ms. Akansha Tyagi, Advocate, PGCIL  
Ms. Supriya Singh, NRLDC  
Shri S.S. Barpanda, NLDC  
Ms. Abilia Zaidi, POSOCO

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed with the following prayers:

- (a) Declare Despatch Centre`s refusal to schedule electricity as per the directions of the generators in the instances where the PPA allows for third party sales, including in the event of termination of PPA, as illegal and contrary to the provisions of the Electricity Act, 2003; and
- (b) Initiate appropriate proceedings as per the procedure provided under the Electricity Act, 2003 to issue a regulation or issue appropriate guidelines/order obligating the Despatch Centre`s to comply with the request of generating companies to schedule power to a third party if the PPA allows for the sale of power to third parties, including in the event of termination of the PPA.

2. In response to the Commission`s query that the issue between the petitioner and the distribution companies of Rajasthan has now been resolved, learned counsel for the petitioner submitted that this sort of situation may arise in future and accordingly requested the Commission to evolve a mechanism under which the petitioner does not encounter difficulty in scheduling power to third party in the event where the petitioner terminates the PPA qua any procurer State after following the due procedure.

3. Learned counsel for PGCIL submitted that the petitioner is seeking amendment to the Regulation and requested for time to file reply on this aspect.

4. After hearing the learned counsels for the petitioner and PGCIL, the Commission admitted the petition and directed to issue notice to the respondents.

5. The Commission directed the petitioner to serve copy of the petition on the respondents by 31.12.2015. The respondents were directed to file their replies, on affidavit, by 18.1.2015 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 29.1.2015. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

6. The petition shall be listed for hearing on 18.2.2016.

**By order of the Commission**

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