

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 131/MP/2016

Subject : Petition under Section 79 of Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the PPA dated 9.11.2011 executed between GMR Kamalanga Energy Ltd. and Bihar State Electricity Board and Article 13 of the PPA dated 12.3.2009 between GMR Energy Ltd. and PTC India Ltd. with back to back PPA between PTC India Ltd. and Haryana Distribution companies for compensation due to Change in Law.

Date of hearing : 20.12.2017

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : GMR Kamalanga Energy Limited & another

Respondents : DHBVNL & 7 others

Parties present : Mr. Amit Kapur, Advocate, GKEL & GWEL
Mr. Vishrov Mukherjee, Advocate, GKEL & GWEL
Ms. Raveena Dhamija, Advocate, GKEL & GWEL
Shri Yashaswi Kant, Advocate, GKEL & GWEL
Shri, R.B. Sharma, Advocate, BSPHCL
Shri G. Umopathy, Advocate, Haryana discoms
Shri Aditya Singh, Advocate, Haryana discoms
Ms. Ranjitha Ramachandran, Advocate, Prayas
Shri Aashish Anand Bernard, Advocate, PTC India Ltd.

Record of Proceedings

During the hearing, the learned counsel for BSPHCL submitted that the petition is not maintainable on the ground that the parties had earlier invoked the jurisdiction of the State Commission. He also pointed out that the Hon'ble Supreme Court in its judgment in Energy Watchdog case had not dealt with issue of jurisdiction wherein parties intend to undertake inter-state supply under Section 64 (5) of the Electricity Act, 2003.

2. The learned counsel for the petitioner objected to the above and submitted that the issue of jurisdiction had already been settled and that the Commission has the jurisdiction in the matter. He further prayed for grant of time to file its submissions on the issue of maintainability.

3. Heard the learned counsels for the parties on the issue of maintainability and on merits. The petitioner is granted time till 5.1.2018 to file its submissions on the issue of maintainability. Subject to above, order in the petition is reserved.

By Order of the Commission

-Sd/-
(T. Rout)
Chief (Legal)

