

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 77/MP/2018

Subject : Petition under section 79 (1) (b) read with 79(1)(f) of the Electricity Act, 2003 seeking directions for applicability of the provisions of PTC-PPA signed between Petitioner & PTC and Procurer PPA signed between PTC & discoms of UP on 25.7.2013 for the purpose of calculation of Penalties due to less than 80% availability for a contract year.

Date of Hearing : 6.9.2018

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member

Petitioner : TRN Energy Pvt Ltd

Respondents : Paschimanchal Vidyut Vitran Nigam Ltd & ors.

Parties present : Shri Ratan K. Singh, Advocate, TRNEPL
Shri Suraj Prakash, Advocate, TRNEPL
Shri Mrinal Litoria, Advocate, TRNEPL
Shri Rajiv Srivastava, Advocate, UPPCL
Ms. Garima Srivastava, Advocate, UPPCL
Ms. Gargi Srivastava, Advocate, UPPCL
Shri Ravi Kishore, Advocate, PTC
Shri Praveen, TRNEPL
Shri Manoj Rastogi, TRNEPL

Record of Proceedings

During the hearing, the learned counsel for the Respondent, UPPCL prayed for grant of time to file its reply in the matter. She however pointed out that the Petitioner has filed petition before UPERC on certain issues arising out of the UPPCL PPA dated 25.7.2013. The learned counsel accordingly submitted that same PPA cannot be adjudicated simultaneously before different forum.

2. Learned counsel for the Petitioner submitted that since the Petitioner has a composite scheme for generation and supply of power to more than one State, the Petitioner has approached this Commission for relief in terms of the PPA.
3. On a specific query by the Commission as to whether the Petitioner has filed a Petition before UPERC with reference to the same PPA, the learned counsel for the Petitioner submitted that though the Central Commission has the jurisdiction, the issues raised before UPERC are different.



3. The Commission after hearing the parties directed the Petitioner to clarify, on affidavit, by **15.9.2018** whether the Petitioner intends to pursue the matter before this Commission or the UPERC.

4. In the meanwhile, the Respondents may file their replies, on affidavit, by **20.9.2018**, with advance copy to the Petitioner and the Petitioner may file its rejoinder by **27.9.2018**. No extension shall be granted for any reason whatsoever.

5. Matter shall be listed in due course for which separate notice shall be issued.

By order of the Commission

**(T. Rout)
Chief (Law)**

