

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 169/MP/2019**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for adjudication of these issues arising out of the Power Supply Agreement dated 31.12.2014 for supply of 115 MW and Power Supply Agreement dated 26.12.2014 for supply of 100 MW of power to Kerala State Electricity Board Limited.

Petitioner : Jhabua Power Limited

Respondent : Kerala State Electricity Board Limited

Date of Hearing : 29.8.2019

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

Parties Present : Shri Matrugupta Mishra, Advocate, Jhabua Power  
Shri Shoury Malhotra, Advocate, Jhabua Power  
Shri Roopam Bansal, Jhabua Power  
Shri Janmejaya Mahapatra, Jhabua Power  
Shri Prabhas Bajaj, Advocate, KSEB

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the Petitioner, Jhabua Power Limited has filed the present Petition seeking, *inter alia*, adjudication of the disputes, namely, (i) reduction in fixed cost due to mis-interpretation of stipulations in the PSA on SHR by the Respondent, KSEB; and (ii) non-consideration of the pass-through components (5%) in fuel charge with respect to deterioration in SHR due to variation from design conditions. Learned counsel requested the Commission to issue notice to the Respondent.

2. Learned counsel for the Respondent, KSEB accepted the notice and requested for time to file reply to the Petition. Learned counsel submitted that the lenders have approached the National Company Law Tribunal (NCLT) against the Petitioner Company under Section 14 of the Insolvency and Bankruptcy Code, 2016. NCLT has admitted the Petition and a Resolution Professional has been appointed in the matter. However, the Petitioner has not disclosed in the Petition that the present Petition has been filed with the approval of Resolution Professional. In response, learned counsel for the Petitioner submitted that it will clarify the position after seeking instruction from the Petitioner in this regard.



3. After hearing the learned counsels for the parties, the Commission admitted that Petition and directed to issue notice to the Respondent.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondent, if not served already. The Respondent was directed to file its reply by 18.9.2019 with an advance copy to the Petitioner who will file its rejoinder by 30.9.2019. The Commission directed that due date of filing the reply and/or rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

**sd/-  
(T.D. Pant)  
Deputy Chief (Law)**

