

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 186/MP/2018**

Subject : Petition under Sections 79(1)(b and 79(1)(f)) of the Electricity Act, 2003, and other applicable provisions of the Electricity Act, 2003 for issuing directions to the Respondents to refund the amounts deducted on various heads contrary against the terms and conditions of the PPA dated 31.7.2012 between the Petitioner and respondent.

Date of Hearing : 20.12.2018

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

Petitioner : KSK Mahanadi Power Company Limited

Respondents : Southern Power Distribution Company of Telangana Limited and Another

Parties present : Ms. Swapna Seshadri, Advocate for KSK MPCL  
Ms. Parichita Chowdhury, Advocate for KSK MPCL  
Shri Harsha Peechara, Advocate for SPDCTL  
Shri Ashish Tiwari, Advocate for SPDCTL

**Record of Proceeding**

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking direction to the Respondents to refund the amount wrongfully deducted under capacity charges, energy charges, incentive payable and transmission charges which is contrary to the various provisions of the PPA dated 31.7.2012.

2. Learned counsel for the Respondent, Southern Power Distribution Company of Telangana Limited (TSSPDCL) submitted that TSSPDCL has already filed its reply on the maintainability of the Petition. Learned counsel submitted that the dispute in the present petition is pertaining to Telangana State and there is no involvement of other State in the claims. As per the PPA, TSERC has jurisdiction for adjudication of the dispute, if any. Learned counsel submitted that the Petitioner has filed the Petition being No. 60 of 2015 before the TSERC on the similar issue which is pending for adjudication. Learned counsel submitted that the petition does not fall under the scope of section 79(1)(b) of the Electricity Act, 2003 rather covered under Section 86(1)(f) of the Act.

3. Learned counsel for the Petitioner submitted that no such Petition has been filed by the Petitioner before TSERC.

4. After hearing the submissions of the learned counsels for the Petitioner and TSSPDCL, the Commission admitted the Petition and directed to issue notice to the Respondents.

5. The Commission directed the respondents to file their replies by 18.1.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.1.2019. The Commission directed TSSPDCL to place on record the copy of the Petition filed before the TSERC by the Petitioner. The Commission directed that due date of filing the replies, rejoinder and copy of the Petition should be strictly complied with. No extension shall be granted on that account

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

**By order of the Commission**

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