

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 381/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 and the Power Purchase Agreement dated 25.3.2011 between Adhunik Power and Natural Resources Limited and PTC India Limited with a back to back Power Supply Agreement dated 5.1.2011 between PTC India Limited and West Bengal State Electricity Distribution Company Limited.

Petitioner : West Bengal State Electricity Distribution Company Limited (WBSEDCL)

Respondents : Adhunik Power and Natural Resources Limited (APNRL) & Ors.

Date of Hearing : 26.11.2019

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

Parties present : Shri Vishrov Mukerjee, Advocate, WBSEDCL
Shri Girik Bhalla, Advocate, WBSEDCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking direction to the Respondent, Adhunik Power and Natural Resources Limited (ANPRL) to schedule contracted capacity of 100 MW to the Petitioner in terms of the provisions of the PPA and direction to Eastern Regional Load Despatch Centre (ERLDC) to ensure scheduling and despatch in accordance with the PPA and not to allow the diversion of power under Short-term Open Access (STOA). Learned counsel submitted that in terms of the provisions of the PPA/PSA, APNRL is obligated to ensure the supply of contracted capacity of 100 MW to the Petitioner. However, APNRL has not only been scheduling less power than the contracted capacity but has been diverting the power to the third parties under the Short-term Open Access. Learned counsel submitted that the Petitioner brought the aforesaid conduct of the Petitioner to the notice of ERLDC and ERPC, without any avail. Learned counsel requested to direct ERLDC not to permit the Respondent, APNRL diversion of power to third parties under STOA.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents, if not served already. The Respondents were directed to file its reply by 16.12.2019 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.12.2019. The Commission directed that due date of filing the reply and/or rejoinder should be strictly complied with.



4. The Petition shall be listed for hearing in due course for which notice will be issued separately.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Legal)**

