

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 317/MP/2019

Subject : Petition under Section 79(1)(b), 79(1)(f) and 79(1)(k) of the Electricity Act, 2003 read with Article 21.1.2 of the Power Purchase Agreement dated 26.12.2014 executed between the Petitioner and the Respondent No.1, seeking appropriate directions upon the Respondent No.1, KSEBL for releasing the outstanding payment accrued in favour of the Petitioner on account of non-payment of the fixed charges and transmission losses in terms of the Power Purchase Agreement dated 26.12.2014.

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondents : Kerala State Electricity Board Limited (KSEBL) and Anr.

Date of Hearing : 7.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Hemant Singh, Advocate, BALCO
Shri Lakshyajit Singh Bagdwal, Advocate, BALCO
Shri Gaurav Saini, BALCO

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed, *inter-alia*, seeking direction to the Respondent No. 1, Kerala State Electricity Board Limited (KSEBL) (i) for releasing the outstanding payment accrued in favour of the Petitioner on account of non-payment of the fixed charges to the extent of Normative Availability as defined under Article 5.1.4 of the Power Supply Agreement dated 26.12.2014 and (ii) for payment towards supply of power over and above the Normative Availability i.e. 90% by computing the transmission losses qua the tariff (In Rs/kWh) paid by Respondent 1, KSEBL. Learned counsel requested to issue notice to the Respondents.

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

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file



their reply by 30.7.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 20.8.2020. The Commission directed that due date of filing of reply and/or rejoinder should be strictly complied with.

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)**

