

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 450/MP/2019

Subject : Petition invoking Section 79 of the Electricity Act, 2003 read with (i) Article 10 of the Power Purchase Agreement dated 18.1.2014, (ii) Article 10 of Schedule 1 of the PPA dated 20.1.2014, (iii) Clause 4.7 of the Competitive Bidding Guidelines, and (iv) the Commissions' order dated 3.6.2019 passed in Petition No. 156/MP/2018 seeking approval of the additional capital and operational expenditure on account of installation of various Emission Control Systems in compliance with Ministry of Environment, Forest and Climate Change Notification dated 7.12.2015

Date of Hearing : 11.8.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Petitioner : MB Power (Madhya Pradesh) Limited (MBP(MP)L)

Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and 6 Ors.

Parties present : Shri Amit Kapur, Advocate, MBP(MP)L
Shri Akshat Jain, Advocate, MBP(MP)L
Shri Pratyush Singh, Advocate, MBP(MP)L
Shri Abishek, MBP(MP)L
Shri Sitesh Mukherjee, Advocate, UPPCL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Ravi Kishore, Advocate, PTC
Ms. Rajashree Chaudhary, Advocate, PTC
Shri Sanjay Shukla, UPPCL

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner sought a week's time to file an additional affidavit in the Petition.
3. Learned counsel for the Respondent, UPPCL, submitted that in addition to the Respondents, UPPCL and the distribution licensees of Uttar Pradesh, the Petitioner is also supplying power to the distribution licensees of Madhya Pradesh through Madhya Pradesh Power Management Corporation Limited in terms of long-term Power Purchase Agreement. However, these distribution licensees have not been impleaded



as party to the Petition in the present case. Thus, there is a non-joinder of necessary parties i.e. distribution licensees of Madhya Pradesh, which would be fatal to the present proceedings under Order 1 Rule 9 of the Code of Civil Procedure, 1908.

4. In response, learned counsel for the Petitioner sought permission to examine the aforesaid submissions of the Respondent and to address the same through an additional affidavit.

5. After hearing the learned counsels for the Petitioner and the Respondent, the Commission directed the Petitioner to file additional affidavit by 25.8.2020. The Commission further directed the Petitioner to clarify its position on the impleadment of the distribution licensees of Madhya Pradesh as party to the Petition.

6. 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)**

