

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 7/RP/2020**  
**in**  
**Petition No. 222/MP/2017**

Subject : Petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of the order dated 23.7.2019 in Petition No. 222/MP/2017.

Petitioner : KSK Mahanadi Power Company Limited (KMPCL)

Respondent : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)

Date of Hearing : 16.7.2020

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

Parties present : Shri Anand Ganesan, Advocate, KMPCL  
Ms. Swapna Seshadri, Advocate, KMPCL  
Shri Ashwin Ramanathan, Advocate, KMPCL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned counsel for the Review Petitioner submitted that the instant Review Petition has been filed seeking review of the Commission' order dated 23.7.2019 in Petition No. 222/MP/2017 with respect to extension of Delivery Date and Expiry Date specified in the Power Purchase Agreement (PPA) dated 27.11.2013 and the interest for amount payable by the Respondent, Tamil Nadu Generation and Distribution Corporation Limited, to the Petitioner calculated from the date when the amount became due till the date of actual payment. Learned counsel further submitted as under:

(a) The Commission in its order dated 23.7.2019 has held that the non-availability of open access/LTA to the Petitioner is a force majeure event in terms of the PPA and has accordingly extended the Scheduled Delivery Date (SDD) to 1.8.2015 (date from which the Petitioner started the supply) from 1.10.2013 (originally provided in the PPA). However, the Commission, while extending the Delivery Date to 1.8.2015, has not correspondingly revised the Expiry Date and has extended the same only for a period of 6 months, which is an error apparent on the face of the order.



(b) In the impugned order dated 23.7.2019, the Petitioner's prayer for grant of interest has not been allowed on the ground that the Petitioner continued to raise the bills on the Respondent without a decision on extension of Scheduled Delivery Date. Since the Petitioner had raised the bills strictly in terms of the PPA, the Petitioner is entitled for the interest in terms of Article 8.3.5 and Article 8.6.8 of the PPA.

3. After hearing the learned counsel for the Review Petitioner, the Commission reserved order on 'admissibility' of the Review Petition.

**By order of the Commission**

**Sd/  
(T.D. Pant)  
Deputy Chief (Law)**

