

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.167/MP/2023

- Subject : Petition under Section 79(1)(f) of Electricity Act, 2003 read with Hydro Power Purchase Agreement dated 17.05.2021 and its Supplementary Agreement dated 8.10.2021 seeking, inter-alia, declaration that invocation of Bank Guarantee No.8143011 G006521 dated 10.6.2021 amounting to Rs. 39.75 Crores (BG) by the Respondents by way of impugned Letter No. 944/UMPP-I/400MW Hydro dated 03.12.2022 is illegal, arbitrary and void ab-initio and for direction against the Respondents for refund of t 39.75 Crores along with interest @11.75% p.a. from 5.12.2022, i.e., date of invocation of Bank Guarantee, till actual payment thereof to the Petitioner.
- Date of Hearing : **6.9.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Sikkim Urja Limited (SUL)
- Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and 4 Ors.
- Parties Present : Shri Vidhan Vyas, Advocate, SUL
Shri Syed Haider Shah, Advocate, SUL
Shri Abdul Rahim, Advocate, SUL
Ms. Swati Jindal, SUL
Shri Jaideep Lakhataia, SUL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed challenging the wrongful, illegal, and arbitrary invocation of the Bank Guarantee dated 10.6.2021 amounting to Rs.39.75 crore by the Respondents on 5.12.2022 vide its letter dated 3.12.2022 addressed to Punjab National Bank. Learned counsel submitted that the Petitioner has also prayed for directions against the Respondents to forthwith refund the aforesaid amount along with interest @ 11.75% from 5.12.2022 till the actual payment thereof to the Petitioner. Learned counsel further submitted that the Respondent, UPPCL, has also filed the Petitions in connection with the Hydro Power Purchase Agreement dated 17.5.2021, executed between the parties, and the present Petition may be tagged along with such Petitions.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:



(a) Admit. Issue notice to the Respondents.

(b) The Respondents to file their reply to the Petition, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.

3. The Petition shall be listed for hearing along with Petition Nos.53/MP/2023, 258/MP/2023 & 267/MP/2023 on **20.12.2023**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)