

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 19/MP/2023

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act 2003 and Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020 challenging the arbitrary and illegal actions of PTC India Limited to wrongly appropriate Late Payment Surcharge amounting to Rs. 18.82 crore paid by Uttar Pradesh Power Corporation Limited on the outstanding tariff amount of MB Power (Madhya Pradesh) Limited.
- Date of Hearing : 11.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)
- Respondents : PTC India Limited (PTCIL) and 5 Ors.
- Parties Present : Shri Amit Kapur, Advocate, MBPMPL
Shri Akshat Jain, Advocate, MBPMPL
Shri Abhishek Gupta, MBPMPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, challenging the arbitrary and illegal actions of PTC India Limited (PTCIL) to wrongly appropriate Rs. 18.82 crore which was paid by Uttar Pradesh Power Corporation (UPPCL) Limited as Late Payment Surcharge on the outstanding tariff amount of the Petitioner and is required to be passed on to the Petitioner in terms of the Power Purchase Agreements (PPAs) entered into between the parties and the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading licence and other related matters) Regulations, 2020 ('Trading Licence Regulations, 2020'). Learned counsel further submitted that such actions of PTCIL are violative of the PPAs as per which PTCIL is entitled to only charge/retain the trading margin and mandated to pass on any excess amount recovered from UPPCL to the Petitioner as well as the Trading Licence Regulations, 2020 as per which PTCIL is mandated to not charge/retain any amount exceeding the trading margin fixed by the Commission.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:
- (a) Admit. Issue notice to the Respondents.
 - (b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if

any, within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

(c) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 7.7.2023 (Wednesday).

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**