

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.268/MP/2020

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 seeking reimbursement of amount incurred towards taxes and duties and arranging open access for the purpose of supply of contracted capacity of 100 MW from Noida Power Company Limited/PTC in terms of APP dated 6.4.2018 read with PPA executed on the same date

Date of Hearing : **12.7.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Petitioner : SKS Power Generation (Chhattisgarh) Limited

Respondents : Noida Power Company Limited and anr.

Parties Present : Shri Hemant Singh, Advocate, SPGCL
Shri Mridul Charavath, Advocate, SPGCL
Shri Harshit Singh, Advocate, SPGCL
Shri Ravi Kishore, Advocate, PTC
Shri Keshav Singh, Advocate, PTC
Shri M.G. Ramachandran, Senior Advocate, NPCL
Shri Vishal Gupta, Advocate, NPCL
Shri Tenzen Taswi, Advocate, NPCL
Shri Sarvesh Mehra, Advocate, NPCL
Ms. Srishti k., Advocate, NPCL
Shri Dhruv Tripathi, PTC
Shri Alok Sharma, NPCL
Shri Abhishek Anand, NPCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the affidavit of IRP authorizing appearance in the matter has been filed. He further submitted that the claim in the present petition relates to the reimbursement of taxes and duties including transmission charges for MTOA for 108 MW, by the Respondent NPCIL. The learned counsel also pointed out that the additional information sought vide ROP dated 20.4.2023 has been filed by the Petitioner.

2. At the outset, the learned Senior counsel for the Respondent, NPCL submitted that the Petitioner has not filed any document indicating the actual taxes paid by the Petitioner to Governmental authorities. He accordingly submitted that the Petitioner may be directed to submit the same before adjudicating the issue. The learned counsel



requested that the Respondent may be permitted to file its written submissions in the matter.

3. The Commission, after hearing the parties, adjourned the hearing of the Petition. At the request of the learned counsels, the Commission permitted the parties to file their written submissions (not exceeding three pages).

4. The Commission, however, directed the Petitioner to furnish the following additional information, along with its written submissions, after serving copy of the same on the Respondent, on or before **28.7.2023**:

(a) The supply of power to NPCL started from 1.12.2018. However, the Petitioner has raised its claim for reimbursement of Electricity Duty in the month of November, 2019. When did the Petitioner raise the first bill to the Respondent for transmission charges and reason why GST & Electricity Duty was not claimed since the beginning.

(b) Copy of the bills/ invoices raised on the Respondents towards transmission charges, GST & Electricity Duty;

(c) Documentary proof towards payment of GST and Electricity Duty to the concerned Government Authority.

4. The Respondents are permitted to file their response/written submissions on the above, on or before **11.8.2023**, after serving copy to the Petitioner.

5. Matter remains part-heard. The petition to be listed for hearing on **18.8.2023**.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

