

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No. 42/2023 in Petition No.109/MP/2022

Subject : Application under Section 94(2) of the Electricity Act, 2003 seeking modification of Record of Proceedings dated 24.4.2023.

Date of Hearing : **25.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Jindal India Thermal Power Limited (JITPL)

Respondents : PTC India Limited and Anr.

Parties Present : Shri Buddy Ranganadhan, Advocate, JITPL
Shri Hemant Singh, Advocate, JITPL
Shri Harshit Singh, Advocate, JITPL
Shri Lakshyajit Singh, Advocate, JITPL
Ms. Ankita Bafna, Advocate, JITPL
Ms. Anisha Upadhyay, Advocate, BSPHCL
Shri Nishant Kumar, Advocate, BSPHCL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the Commission after hearing the parties at length, by Record of Proceedings for the hearing dated 24.4.2023 had reserved the matter for order. However, in the said Record of Proceedings, the Commission sought certain information/ data from the Petitioner at para 2 (a) to (c), which according to the Petitioner, is beyond the scope and subject matter of the present Petition. Therefore, the Petitioner has moved the present IA seeking modification of the said Record of Proceedings to the extent of recalling/ modifying the para 2(a) to (c) thereof. The learned counsel, however, added that the Petitioner will furnish the requisite data as called thereof and the present IA be treated as withdrawn.

2. Learned counsel for the Respondent No.1 submitted that PTCIL has already filed its affidavit placing on record the details of day-wise availability received from the Petitioner and day-wise availability declared to Respondent No.2, BSPHCL by PTCIL.

3. Learned counsel for Respondent No.2, BSPHCL submitted that the Respondent has also filed its affidavit furnishing the details as called for by Record of Proceedings for the hearing dated 24.4.2023. Learned counsel further submitted that as per the said Record of Proceedings, the Respondent was asked to provide day-wise availability received from the PTCIL. However, the submission of Respondent before the Commission was in relation to clause 11 of the PPSA dated 29.10.2018 and in terms of clause 11.2.3 thereof, Aggregator/PTCIL was required to provide 15 day notice before beginning of the month if there were to any reduction in the

availability as per clause 11.2.1 and that there was no such notification by PTCIL. Leaned counsel sought liberty to file its response/comments to the details to be furnished by the Petitioner, if required.

4. In response, learned counsel for the Petitioner and PTCIL submitted that clause 11.2.3 of the PPSA is applicable only when there is any reduction in the availability due to maintenance schedule for a particular month and has no applicability in the present case as there were no occurrence/occasion of maintenance of schedule of the Petitioner's Project.

5. Considering the submissions made by the learned counsel for the parties, the Commission disposed of the IA No.42/2023 as withdrawn. The Commission permitted two weeks to the Petitioner to file the details/ data as called for by Record of Proceedings for the hearing dated 24.4.2023 and Respondents may file their comments thereon, if any, within two weeks thereafter.

6. Subject to the above, the Petition No. 109/MP/2022 was reserved for order.

By order of the Commission

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