

**BEFORE THE CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.24/2000

Coram:

1. **Shri S.L. Rao, Chairman**
2. **Shri D.P. Sinha, Member**
3. **Shri G.S. Rajamani, Member**
4. **Shri A.R. Ramanathan, Member**

In the matter of

Proposal for purchase of power by PTC from HIRMA Mega Power Project and sale of such power on back to back basis to SEBs .

In the matter of :

M/s. Power Trading Corporation of India Ltd.,
1115-16, Hemkunt Chambers
89, Nehru Place, Petitioner
New Delhi-110 019.

AND

M/s. Southern Energy Asia -Pacific Ltd., Respondents
(SEAP) and SEBs

The following were present :-

- | | | |
|-----|---|-----------------|
| 1. | Shri R.K.Mehta, Advocate, PTC |Petitioner |
| 2. | Shri Mahendra Kumar,GM, PTC | -do- |
| 3. | Shri V.L. Dua, AGM, PTC | -do- |
| 4. | Shri A.K. Maggu, Sr.Manager, PTC | -do- |
| 5. | Shri Parag P. Tripathi, Sr.Advocate, SEAP |Respondent |
| 6. | Ms. Mamta Tiwari, Advocate, SEAP | -do- |
| 7. | Ms. Neelima Tripathi, Advocate, SEAP | -do- |
| 8. | Shri Sanjeev Aggarwal, Fin.Analyst, SEAP | -do- |
| 9. | Shri Victor Choi, Project Analyst, SEAP | -do- |
| 10. | Shri J.P. Chalasani, Asstt. VP, Reliance Power Ltd. | -do- |
| 11. | Shri Samir Saran, Dy.Manager, Reliance Power Ltd. | -do- |
| 12. | Shri L.N. Nimawat, XEN (P&S), RSEB | -do- |
| 13. | Shri R.K. Arora, XEN, HVPN | -do- |
| 14. | Shri H.S. Bedi, Director, PSEB | -do- |
| 15. | Shri U.K. Tyagi, CM, Powergrid | -do- |

ORDER

(Date of hearing 13-6-2000)

On 31st May, 2000 we had directed the petitioner as well as SEBs to place on record their views on the question of Commission's jurisdiction in this matter. The petitioner has filed a brief to that effect. The Commission also directed the petitioner to submit a draft public notice for approval so as to facilitate public participation in the proceedings.

A draft notice has been filed by the petitioner. The draft will be considered in due course. It was further directed that Powergrid may be impleaded as a respondent in the present proceedings. It has been informed on behalf of the petitioner that a copy of the petition has been served on Powergrid who is to file its reply. A letter has been received from Powergrid and has been brought to the notice of the Commission wherein Powergrid has requested for time for filing its reply. Powergrid may do so by 30th June, 2000. Meanwhile, the petitioner is directed to file an amended memo of parties.

2. The Commission proposed to appoint independent institutions as experts to interact with the parties with a view to resolve the differences between them. The experts were to function under the overall supervision of the Commission and report to the Commission of the progress of their work from time to time. Accordingly, the parties were directed to furnish panels of technical and financial experts and also to specify the areas of agreement and disagreement so that the Commission may decide on the appointment of the experts. It was made clear that areas of disagreement shall form the terms of reference for the experts to be appointed by the Commission.

3. The petitioner through its affidavit filed on 12th June, 2000 has named CEA, ASCI and IGIDR. A letter dated 12th June, 2000 has also been received on behalf of respondent No.1 giving names of certain international institutions as financial and technical experts, in view of our directions as contained in the order dated 31st May, 2000. We do not find any agreement between the parties on the suggested names. The parties have therefore requested that they may be allowed some more time to arrive at some agreed names as well as the terms of reference. Although we are convinced that the issue needs to be handled with great promptitude and despatch, in view of the request made by the parties, we are inclined to grant further time to mutually discuss the names of financial and technical experts who may be assigned the job and bring about reconciliation and narrow down the differences between the parties on the points on which differences still persist. The parties agreed that the experts appointed should not have been associated with the project at any stage, and also that if the experts have had any dealings with any of the parties in the past in any other transaction, it should be disclosed to the other party. It has also been agreed that the experts to be named shall be as far as possible, non-profit institutions/organisations, preferably Indian, which may have tie-ups with international institutions of repute, or may be able to establish tie-ups with such institutions. Costs would be shared between petitioner and respondent-1 as already ordered. The terms of reference shall be agreed between all parties.

4. In view of the request made by the parties, the matter is adjourned to 21st June, 2000 at 2.30 PM. Petitioner shall consult the SEBs on the panel of experts. The SEBs concerned may also express their views at the time of the next hearing.

Sd\-	Sd\-	Sd/-	Sd/-
(A.R. Ramanathan) Member	(G.S.Rajamani) Member	(D.P. Sinha) Member	(S.L. Rao) Chairman

New Delhi,
Dated 13.06.2000

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