

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram: Dr. Pramod Deo, Chairman
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Date of hearing: **20.3.2012**

Petition No.33/MP/2012

Subject: Petition seeking compensation along with interest from 19.8.2011 till the date of payment from Punjab State Power Corporation Limited (PSPCL) for abrupt discontinuance of drawl of power from Baglihar Hydro Electric Power Project through the petitioner and short payment released by PSPCL amounting to Rs.38816750/- plus late payment surcharge.

Petitioner: PTC India Ltd.

Respondent: Punjab State Power Corporation Limited (PSPCL) and another

Parties Present: Shri Atul Nanda, Sr.Advocate, PTC (I) Ltd.
Shri Ravi Prakash, Advocate, PTC (I) Ltd.
Shri Varun Pathak, Advocate, PTC (I) Ltd.
Shri Aditya Dewan, Advocate, PTC (I) Ltd.
Ms. Ramiza Hakim, Advocate, PTC (I) Ltd.

Record of Proceedings

The learned Senior Counsel for the petitioner submitted that the petition has been filed seeking compensation from the respondent No.1, namely, the Punjab State Power Corporation Limited (PSPCL) along with interest on account of its abrupt discontinuance for drawl of 100 MW power from the Baglihar Hydro Electric Power Project in J&K.

2. On a specific query raised by the Commission as to how the petition was maintainable, the learned Sr. Counsel pointed out to Section 79(1)(c) of the Electricity Act, 2003 (the Act) and submitted that since the dispute raised by the petitioner pertain to inter-state transmission of electricity, the Commission

has the jurisdiction to decide the same in terms of its powers under Section 79(1)(c) read with Section 79(1)(f) of the Act. In this connection, the Sr. Counsel placed reliance on Commission's order dated 27.2.2008 in Petition No.107/2007 (*MPPTCL Vs. Principal Secretary, Energy Department, Government of U.P. and others*) and submitted that the instant petition is maintainable in terms of the said decision of the Commission.

3. On a further query by the Commission as to whether the facts in the instant petition was similar to the facts in Petition No.107/2007 as stated, since the petitioner is a inter-state electricity trader, the learned counsel clarified that since electricity was supplied by the petitioner to the respondent No.1 from the generating station, the entire transaction was seamless and hence it is in the nature of inter-state transmission of electricity. The learned counsel further submitted that in terms of the judgment of the Hon'ble Supreme Court in PTC case, the Act is a complete code in itself and the provisions of the Act overrides even the provisions of Arbitration and hence, the Commission has the jurisdiction to settle the dispute involved in the present case in terms of its powers under Section 79 (1)(f). However, the learned counsel prayed for three weeks time to file its written submissions on the question of 'maintainability' of the petition.

4. The Commission accepted the prayer and granted time to the petitioner to file its written submissions on or before 10.4.2012.

5. Subject to the above, order in the petition was reserved on the question of maintainability.

By order of the Commission

**Sd/-
(T. Rout)
Joint Chief (Legal)**