

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 218/MP/2011**

Sub: petition under Section 79 of the Electricity Act, 2003 for unilateral deduction by Punjab State Power Corporation Limited of the legitimate dues amounting to ₹ 315.11355 lakh payable to PTC India Ltd for supply of contracted power in violation of the terms and conditions of the Power Supply Agreement dated 6.5.2011 entered into between PTC and PSPCL.

Date of hearing : 19.1.2012

Coram : Dr. Pramod Deo, Chairperson  
Shri S. Jayaraman, Member  
Shri V.S.Verma, Member

Petitioner : PTC India Ltd., New Delhi

Parties present : Shri Ravi Prakash, Advocate, PTC  
Shri Varun Pathak, Advocate, PTC

**Record of Proceedings**

This petition has been filed by PTC India limited for adjudication of dispute arising out of the unilateral deduction payment of ₹ 315 lakh by Punjab State Power Corporation Limited which was payable to the petitioner in terms of Power Sale Agreement (PSA) dated 6.5.2011.

2. In reply to the query of the Commission as to the provision of the Electricity Act, 2003 (hereinafter referred to as the 'Act') and Regulations under which the present application has been filed, the learned counsel for the petitioner submitted as under:

- (a) The present application has been filed under Section 79 (1) (a), (b) and (c) of the Electricity Act, 2003;

- (b) The petitioner being a trading licensee, entered into a Power Purchase Agreement (PPA) with Government of Himachal Pradesh for purchase of power in various Hydro Power projects in Himachal Pradesh. On the basis of PPA, Power Supply Agreement (PSA) has been entered into with various utilities of Northern Region for supply of power purchased from Government of Himachal Pradesh under short- term contract. Therefore, there is a composite scheme for supply of power in more than one State as per Section 79 (1) (b) of the Act. In this connection, reference was made to para 61 of the judgment of the Appellate Tribunal for Electricity in Appeal No. 15/2011 (Lanco Power Limited Vs Haryana Electricity Regulatory Commission);
- (c) Since power is supplied from Himachal Pradesh to Punjab, inter-State transmission is violated and therefore, Section 79 (1) (c) of the Act is attracted; and
- (c) The Commission has the jurisdiction to adjudicate the dispute between the parties.

3. The Commission directed the learned counsel for the petitioner to file a written submission on the question of 'maintainability' of the petition before the Commission by 5.2.2012.

**By order of the Commission**

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