

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 224/MP/2018

Subject : Petition invoking section 79(1)(b) and section 79(1)(f) of the Electricity Act, 2003 seeking directions for applicability of the provisions of PPAs dated 18.1.2014 and 20.1.2014 for the purpose of calculation of Penalties for maintaining the availability below 80% for a contract year.

Date of Hearing : 6.9.2018

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member

Petitioner : MB Power (Madhya Pradesh) Limited

Respondents : UPPCL & ors.

Parties present : Shri Akshat Jain, Advocate, MBPMPL
Shri Ashutosh K. Srivastava, Advocate, MBPMPL
Shri Rohit Kumar Gururani, MBPMPL
Shri Naveen Kumar, MBPMPL
Shri Abhishek Gupta, MBPMPL
Shri Ravi Kishore, Advocate, PTC

Record of Proceedings

Learned counsel for the Petitioner, MBPMPL submitted that the present Petition has been filed seeking directions upon the Respondents for computation of penalty amount considering the cumulative availability basis till the last month of the contract year and not on standalone basis for each month. He accordingly prayed that the Petition may be admitted.

2. The Commission admitted the Petition and directed to issue notice to Respondents.
3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents, if not served, on or before **20.9.2018**. The Commission also directed the Respondents to file reply, on affidavit, by **11.10.2018**, with advance copy to the Petitioner, who may file its rejoinder, if any, by **18.10.2018**. Pleadings shall be completed by the parties prior to the date of hearing.
4. Matter shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

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

