

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 115/MP/2019

Subject : Petition under Sections 79(1)(b) and (f) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of dues owed by GRIDCO to GMR Kamalanga Energy Limited under Revised Power Purchase Agreement dated 4.1.2011.

Petitioner : GMR Kamalanga Energy Limited

Respondents : GRIDCO Limited and Another

Date of Hearing : 30.5.2019

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

Parties present : Shri Vishrov Mukherjee, Advocate, GMR
Shri Rajkumar Mehta, Advocate, GRIDCO
Ms. Himanshi Andley, Advocate, GRIDCO

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for recovery of Rs. 117 crore of Annual Fixed Cost (AFC) for the period from 1.4.2015 to May, 2018 which has been wrongly withheld by GRIDCO on account of incorrect and unlawful rejection of availability declared by the Petitioner in artificially reduced Plant Availability Factor (Month) (PAFM) and to direct SLDC to correct PAFM% for the project from 1.4.2015 till 31.3.2017 based on the availability declarations made by the Petitioner. Learned counsel requested the Commission to issue notice to the Respondent.

2. Learned counsel for GRIDCO objected to the maintainability of the Petition and requested for four weeks time to file reply to the Petition.
3. After hearing the learned counsels for the Petitioner and GRIDCO, the Commission admitted the Petition and directed to issue notice to the Respondents.
4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not served already. The Respondents were directed to file their replies by 20.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 4.7.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.
5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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