

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 131/MP/2018**

Subject :Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and PPA dated 7.8.2007 for revision in tariff in exercise of the general regulatory Powers and compensation on account of increase cost incurred by Sasan Power Limited consequent

Date of Hearing : 8.1.2019

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

Petitioner : Sasan Power Limited (SPL)

Respondents : M.P. Power Management Co. Ltd. and Others

Parties present : Shri Vishrov Mukherjee, Advocate, SPL  
Shri M. Janmali, Advocate, SPL  
Shri Abhimanyu Das, SPL  
Ms. Shefali Sobti, TPDDL  
Shri G. Umapathy, Advocate, MPPMCL  
Shri Aditya Singh, Advocate, MPPMCL  
Shri Rajiv Srivastava, Advocate, UPPCL  
Shri Shubham Arya, Advocate, PSPCL & HPPC  
Shri M.G. Ramachandran, Advocate, PSPCL & HPPC  
Ms. Ranjitha Ramachandran, Advocate, PSPCL & HPPC  
Ms. Poorva Saigal, Advocate, PSPCL & HPPC  
Ms. Anushree Bardhan, Advocate, PSPCL & HPPC

**Record of Proceedings**

Learned counsel for Respondent, MPPMCL, raised the following preliminary objections:

- (a) The Petitioner has filed Writ Petition No. 8460/2015 before Hon'ble High Court of Delhi against Western Regional Load Dispatch Centre (WRLDC) and IEX. The issue being contested in the said Writ Petition is primarily non-availability of external land for OB dump of captive coal mine and the same is also being contested by the Petitioner in the instant petition. The Petitioner cannot be permitted to contest the same issues before two different forums.
- (b) Some of instrumentalities of the Central Government namely CEA, MoC & MOP, GOI are necessary parties in the present petition and therefore may be impleaded for proper adjudication of the disputes.

2. Similar submissions were made by the Learned Counsel for Respondents, PSPCL & HPPC. The Learned Counsel however clarified that the relief sought for in the Writ Petition is mainly based on the Procurer event of default as alleged by the Petitioner in this petition.

3. In response, the Learned Counsel for the Petitioner clarified the following:

(a) The Writ Petition filed by the Petitioner and pending before the Hon'ble High Court relate to a refusal of WRDLC/IEX to grant NOC to supply power to third parties. A copy of the Writ Petition will be submitted if so directed by the Commission

(b) The Petitioner has not sought any relief on account of Procurers default or breach of obligations in the said Writ Petition. Moreover, the Respondents have only been made proforma Respondents in the said Writ Petition and no relief has been claimed against these Respondents.

(c) Since the disputes in the present Petition is to be adjudicated in terms of the provisions of PPA entered into by the parties, there is no requirement of any Central Government instrumentalities like CEA, MoC & MoP to be impleaded as a Party in this Petition.

(d) MPPMCL vide its letter dated 9.10.2014 addressed to Ministry of Coal, Gol had accepted the Procurer event of default, stating that the non-availability of OB dump land to Petitioner is a Procurer event of default.

4. The Learned Counsel of the Respondents submitted that the Commission may permit them to place on record the replies filed in the Writ Petition filed by the Petitioner.

5. The Commission after hearing the matter directed the Petitioner to file the copy of the Writ Petition along with all Pleadings filed by the Parties before the Hon'ble High Court of Delhi on or before 15.1.2019. Thereafter, a decision will be taken to list the Petition for hearing.

**By order of the Commission**

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