

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 155/MP/2019

Subject : Petition filed under Section 79 (1) (f) of the Electricity Act, 2003 read with Articles 3, 6, 7.2(b) and other provisions of the Power Purchase Agreement dated 26.12.2005 seeking adjudication of disputes related to legitimate dues payable to Udipi Power Corporation Limited by the Karnataka ESCOMs.

Petitioner : Udipi Power Corporation Limited.

Respondents : Power Company of Karnataka Ltd. & Ors.

Date of Hearing : 23.7.2019

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

Parties present : Shri Amit Kapur, Advocate, UPCL
Ms. Abiha Zaidi, Advocate, UPCL
Ms. Aprajita Upadhaya, Advocate, UPCL
Ms. Tanesha Singh, Advocate, UPCL
Shri Aronav Partnaik, Advocate, PCKL
Shri Shikhar Saha, Advocate, PCKL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the present Petition has been filed inter-alia seeking direction to Karnataka ESCOMs to pay total dues of Rs. 770.57 crore towards differential tariff arising out of the Commission`s dated 20.2.2014 in Petition No. 160/GT/2012 for the period from November 2010 to January 2013. Learned counsel further submitted that the Commission issued order dated 27.6.2019 in Petition No. 160/GT/2012 after filing of the present Petition. Therefore, the amount claimed in the prayer of the present Petition shall need to be modified in light of the order of the Commission. Accordingly, learned counsel sought the liberty to file an affidavit to revise the claim and modification of prayer.

2. Learned counsel for the Petitioner submitted that the Respondents have relied on the PCKL Technical Committee Report, Report of Mr. V.J. Talwar and Report of M/s Ramraj & Co. to disallow claims of the Petitioner. However, these reports have not been shared with the Petitioner. Accordingly, learned counsel requested to direct the Respondents to provide copy of the aforesaid reports to the Petitioner.

3. Learned counsel for the Respondent, PCKL accepted notice and sought time to file reply to the Petition. Learned counsel submitted that it will seek instructions from the Respondents regarding availability of the reports.

4. After hearing the learned counsels for the parties, the Commission admitted the Petition and directed to issue notice to the Respondents. The Commission directed the

Petitioner to serve the copy of the Petition on the Respondents immediately. The Respondents were directed to file their replies by 16.8.2019, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 30.8.2019.

5. The Commission allowed the Petitioner to make amendments in the Petition in light of order dated 27.6.2019 in Petition No. 160/GT/2012 and directed the Respondents to provide the copies of the above reports to the Petitioner.

6. 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.

7. The Petition shall be listed for hearing in due course for which separate notice will be issued to the parties.

By order of the Commission

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