

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 186/MP/2018**

- Subject : Petition seeking direction for refund of amount deducted by the Respondents, towards Capacity Charges, Incentive, Energy Charges, Transmission Charges, Late Payment Surcharge contrary to the terms of the Power Purchase Agreement dated 31.7.2012.
- Petitioner : KSK Mahanadi Power Company Limited (KSKMPCL)
- Respondents : Southern Power Distribution Company of Telangana Limited and Anr.
- Date of Hearing : 12.5.2020
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member
- Parties present : Shri Anand Ganesan, Advocate, KSKMPCL  
Shri Ashwin Ramanathan, Advocate, KSKMPCL  
Shri Sriharsha Peechara, Advocate, Telangana Discoms

**Record of Proceedings**

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the issues involved in the Petition have already been argued extensively and both the parties have also filed their respective written submissions. He submitted that the Petitioner during the course of hearing on 29.10.2020 had sought liberty to place on record the certificate issued by Western Regional Power Committee (WRPC) regarding the availability of the Plant. However, the Petitioner had inadvertently referred to WRPC therein instead of Western Regional Load Despatch Centre (WRLDC). Accordingly, learned counsel requested for a week's time to approach WRLDC for certification of its availability data. He further requested the Commission to direct WRLDC to consider the same.

3. Learned counsel for the Respondents objected to the request of the Petitioner for seeking further time to file the certificate regarding availability of its Plant. Learned counsel submitted that the matter was argued at length by both parties on 27.9.2019 and after hearing the parties, the Commission reserved order in the matter with liberty to the Petitioner to place on record the certificate issued by WRPC regarding the Plant availability by 14.10.2019. He submitted that subsequently, upon mentioning of the matter by the learned counsel for the Petitioner on 29.10.2019, the Commission granted the Petitioner additional time to place on record the said certificate and had also directed the Petitioner to implead WRPC as party to the



Petition. Despite the aforesaid directions, the Petitioner has neither placed on record the certificate of WRPC regarding Plant availability nor has filed amended memo of parties impleading WRPC as party to Petition. Accordingly, learned counsel requested that no further time should be allowed to the Petitioner and the Commission may decide the matter based on the pleadings and written submissions available on record.

4. After hearing the learned counsels for the parties, the Commission directed the Petitioner to submit the reason of 59 days delay in the commencement of power supply along with monthly bifurcation of the claim of Rs 9.29 crore under each head with corresponding periods, on or before 6.6.2020.

5. The Commission directed the Petitioner to approach WRLDC immediately for certification of the availability data of its Plant. The Commission directed WRLDC to consider the request of the Petitioner and provide the information on or before 30.5.2020. The Petitioner is directed to file the certificate of WRLDC regarding availability its Plant by 6.6.2020 with copy to the Respondents, who shall file their response, if any, on or before 16.6.2020.

6. Subject to the above, the Commission reserved order in the Petition.

**By order of the Commission**

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

