

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 439/MP/2019**

Subject : Petition under Section 79(1) of the Electricity Act, 2003 seeking clarification of order dated 12.2.2019 in Petition No. 205/MP/2018.

Petitioner : JSW Hydro Energy Limited (JSWHEL)

Respondents : PTC India Limited and Ors.

Date of Hearing : 26.5.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Parties present : Shri Aman Anand, Advocate, JSWHEL  
Shri Anurag Agarwal, JSWHEL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking clarification of the Commission's order dated 12.2.2019 in Petition No.205/MP/2018 to the effect that full capacity charges are payable by the beneficiaries based on the Plant Availability Factor achieved for a Month (PAFM) certified by Northern Regional Load Despatch Centre (NRLDC) / Northern Regional Power Committee (NRPC). Learned counsel submitted that two of the beneficiaries, namely, Uttar Pradesh Power Corporation Limited (UPPCL) and Punjab State Power Corporation Limited (PSPCL) have not made payment towards capacity charges for overload capacity over and above 100% Declared Capacity (DC) for the year 2018-19 on the ground that there is no mention/decision in the Commission's order dated 12.2.2019 regarding payment of capacity charges by the beneficiaries for the overload capacity. However, UPPCL vide its letter dated 28.9.2019 had advised the Petitioner to seek clarification from the Commission in this regard. Accordingly, the Petitioner has approached the Commission for clarification of the Commission's order dated 12.2.2019.

3. After hearing the learned counsel for the Petitioner, 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 already served. The Respondents were directed to file their reply by 11.6.2020 with advance copy to the Petitioner who may file its rejoinder, if any, on or before 19.6.2020.



5. The Commission directed the Respondents, UPPCL and PSPCL to submit on affidavit by 15.6.2020, the reason for not scheduling over load generation from the Petitioner's generating station during the year 2018-19.

6. The Commission directed the Petitioner to submit the following information, on or before, 17.6.2020:

(a) Details of capacity and energy declared, capacity & energy scheduled by the various beneficiaries and energy generation from overload capacity not scheduled by the beneficiaries; and

(b) Details of revenue earned from energy sold in the market out of energy not scheduled by the beneficiaries, quantum and revenue earned corresponding to the energy accounted under DSM along with comparison of total loss in recovery of Capacity charges and energy charges due to non-scheduling of overload capacity by beneficiaries with income from sale of power in market /DSM, if any, during the year 2018-19.

7. The Commission directed that due date of filing of reply, rejoinder and information should be strictly complied with.

8. 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)**

