

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 20/RP/2021**

**in  
I.A No. 64/IA/2020**

**in  
Petition No. 614/MP/2020**

Subject : Petition for review of order dated 28.6.2021 in I.A. No. 64/IA/2020 in Petition No. 614/MP/2020.

Petitioner : Gujarat Urja Vikas Nigam Limited

Respondents : Adani Power (Mundra) Limited

Date of Hearing : **18.10.2021**

Coram : Shri P.K. Pujari, Chairperson  
Shri I.S. Jha, Member  
Shri Pravas Kumar Singh, Member

Parties present: Shri M. G. Ramachandran, Senior Advocate, GUVNL  
Ms. Ranjitha Ramachandran, Advocate, GUVNL  
Ms. Anushree Bardhan, Advocate, GUVNL  
Shri Shubham Arya, Advocate, GUVNL  
Ms. Srishti Khindaria, Advocate, GUVNL  
Shri K. P. Jangid, GUVNL  
Shri Sanjay Mathur, GUVNL  
Shri V. L. Lathia, GUVNL  
Shri Amit Kapur, Advocate, APMuL  
Ms. Poonam Verma, Advocate, APMuL  
Shri Saunak Rajguru, Advocate, APMuL  
Shri Ankitesh Ojha, Advocate, APMuL  
Shri M. R. Krishan Rao, APMuL  
Shri Mehul Rupera, APMuL  
Shri Sameer Ganju, APMuL  
Shri Malav Deliwala, APMuL  
Shri Kumar Gaurav, APMuL  
Shri Tanmay Vyas, APMuL  
Shri Rahul Panwar, APMuL  
Shri Basava Prabhu Patil Senior Advocate, Govt. of Gujarat  
Shri Anand K Ganesan, Advocate, Govt. of Gujarat  
Ms. Harsha Manav, Advocate, Govt. of Gujarat

**Record of Proceedings**

Case was called out for virtual hearing 'on admission'.

2. During the hearing, the learned Senior counsel for the Review Petitioner circulated note of submissions and mainly submitted the following



- (a) The Commission, without going into the merits of the dispute, has proceeded on the basis that in terms of Article 11.6.9 of the PPA dated 6.2.2007, GUVNL is obliged to pay 100% of the undisputed amount and 85% of the disputed amount of the bill.
- (b) In terms of the provisions of the SPPA dated 5.12.2018 read with the PPA, it is not mandatory to make payment of 85% of the disputed bills, when Article 11.6.9 of the PPA stipulates '*to effect a higher or lesser payment of the disputed amount*'. The non-consideration of the said stipulation is an error apparent on the face of the record.
- (c) As the bills raised by the Respondent APMuL are not in accordance with the provisions of the SPPA, there cannot be mandatory directions to the Review Petitioner for payment of 85% of the same.
- (d) The Review Petitioner has, however, paid the capacity charges and energy charges, on a month to month basis, for the period from October, 2018 till May, 2021, which constitutes around 91.17% of the amount claimed by the Respondent, APMuL (*payment chart exhibited by the Review Petitioner*).
3. On a specific query by the Commission as to the nature of adjustments made by the Review Petitioner while making payments to the Respondent APMuL, the learned Senior Counsel for the Review Petitioner clarified that the adjustments made were on account of certain discrepancies in the bills, the non-submission of relevant documents with respect of FoB price of imported coal, ocean freight etc., by the Respondent APMuL. The learned Senior Counsel also added that it may also be permitted to make submissions on other issues raised in the review petition.
4. On an observation of the Commission to confirm the payments made by the Review Petitioner, the learned counsel for the Respondent APMuL sought time to seek instructions on the payment chart circulated by the Review Petitioner.
5. The Commission after hearing the parties directed the Review Petitioner to serve copy of the payment chart to the Respondent APMuL immediately, if not served earlier. The Respondent APMuL is directed to file its response on the same, on or before 8.11.2021, after serving copy to the Review Petitioner.
6. The Review 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/-  
(B.Sreekumar)  
Joint Chief (Law)**

