

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 20/RP/2021

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 (GUVNL)

Respondents : Adani Power (Mundra) Limited (APMuL)

Date of Hearing : **22.11.2021**

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
Ms. Shikha Sood, Advocate, GUVNL
Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Verma, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Ankitesh Ojha, Advocate, APMuL
Shri K. P. Jangid, GUVNL
Shri Sanjay Mathur, GUVNL
Shri V. L. Lathia, GUVNL
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

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the learned counsel for Respondent, APMuL submitted that the Review Petition in order dated 28.6.2021 in I.A. No. 64/2020 in Petition No. 614/MP/2020 is not maintainable as it does not satisfy the pre-conditions for filing a Review Petition. It was further informed that APMuL and GUVNL have agreed for an interim arrangement for supply of power. As per the said arrangement, GUVNL has agreed to make an ad hoc payment of Rs



538 crore (85% of the disputed amount of Rs. 633 crore claimed by APMuL)) in two equal installments for the period upto July 2021. Out of Rs. 538 crore, GUVNL has paid Rs 269 crore on 18.11.2021. In this regard, APMuL has given an undertaking to the affect that it will supply power without prejudice to its rights and contentions raised before the Commission by APMuL and GUVNL.

3. The learned senior counsel for the Review Petitioner, GUVNL reiterated its submission made in the Review Petition and mainly submitted that in terms of the provisions of the PPA, it is not mandatory to make payment of 85% of the disputed bills.

4. It was further contended by the learned senior counsel for the Review Petitioner, GUVNL that non-consideration of the stipulation in Article 11.6.9 of the PPA i.e. '*... provided that either party shall have the right to approach the GERC to effect a higher or lessor payment of the disputed amount.*' is an error apparent on the face of the record.

4. After hearing the learned counsel for the Review Petitioner and the Respondent, the Commission reserved the matter for order. The Petition No. 614/MP/2020 will be listed for hearing on merits in due course for which separate notice will be issued.

By order of the Commission
Sd/
(T.D. Pant)
Joint Chief (Law)

