

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 202/MP/2021

- Subject : Petition for execution/implementation of the order dated 3.6.2019 passed under Section 79 of the Electricity Act, 2003 by this Commission in Petition No. 156/MP/2018; and initiation of proceedings under Section 142 of the Electricity Act, 2003 against Uttar Pradesh Power Corporation Limited and Uttar Pradesh Discoms in relation thereto.
- Date of Hearing : 18.11.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)
- Respondents : Uttar Pradesh Power Corporation Limited and 5 Ors.
- Parties Present : Shri Amit Kapur, Advocate, MBPMPL
Shri Akshat Jain, Advocate, MBPMPL
Shri Pratyush Singh, Advocate, MBPMPL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Karan Arora, Advocate, UPPCL
Shri Abhishek Gupta, MBPMPL
Shri Tagore, MBPMPL

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking implementation of the Commission's order dated 3.6.2019 in Petition No. 156/MP/2018 allowing compensation to the Petitioner for various Change in Law events in terms of the Power Purchase Agreement dated 18.1.2014 and for initiation of proceedings under Section 142 of the Electricity Act, 2003 against the Respondents, Uttar Pradesh Power Corporation Limited ('UPPCL') and Uttar Pradesh Discoms for non-compliance of the said order dated 3.6.2019. The learned counsel further submitted that against the total invoiced claim of Rs.1047 crore qua the allowed/ approved Change in Law events for the period upto 28.2.2021, UPPCL has paid only Rs. 974 crore and thereby, arbitrarily and unilaterally deducted Rs. 73 crore (approximately) from the invoices of Change in Law upto February 2021 without providing any reasons or justification. In addition to the above, UPPCL has also failed to pay carrying cost and late payment surcharge of Rs 100 crore till February 2021 on the supplementary invoices raised by the Petitioner. The learned counsel requested for early listing of the matter for consideration of the Petitioner's interim prayer seeking direction to UPPCL to pay 90% of the amounts due to the Petitioner.

3. After considering the submission made by the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their replies, if any, by 10.12.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 24.12.2021; and

(c) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)
Joint Chief (Law)**