

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 4/MP/2017 with IA No. 29/2019**

Subject : Petition under Section 79(1)(f) and 79(1)(b) of the Electricity Act, 2003 in connection with the dispute and differences arising under the PPA dated 18.07.2008 between the Petitioner and BSES Rajdhani Power Limited.

Petitioner : Maithon Power Limited

Respondents : BSES Rajdhani Power Ltd. and anr.

**Petition No. 5/MP/2017**

Subject : Petition under Section 79(1)(f) and 79(1)(b) of the Electricity Act, 2003 in connection with the dispute and differences arising under the PPA dated 12.05.2008 between the Petitioner and Tata Power Delhi Distribution Limited.

Petitioner : Maithon Power Limited

Respondents : Tata Power Delhi Distribution Limited and anr.

Date of hearing : **22.10.2021**

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

Parties present : Shri. Hemant Sahai, Advocate, MPL  
Shri. Shreshth Sharma, Advocate, MPL  
Shri. Nishant Talwar, Advocate, MPL  
Shri. Buddy A. Ranganadhan, Advocate, BRPL  
Shri. Mr.Dushyant Manocha, Advocate, BRPL  
Ms. Ragini Gupta, Advocate, BRPL  
Ms. Megha Bajpeyi, BRPL  
Ms. Ranjana Roy Gawai, Advocate, TPDDL  
Ms. Vasudha Sen, Advocate, TPDDL  
Ms. Rishika Singh, Advocate, TPDDL  
Shri. Anurag Bansal, TPDDL  
Ms. Shefali Sobti, TPDDL

**Record of Proceedings**

The cases were called out for virtual hearing.

2. At the outset, the learned counsel for the Respondent, BRPL, prayed for adjournment of the hearing on personal grounds. Accordingly, the Commission adjourned the hearing.



3. The learned counsel for the Petitioner prayed that it may be permitted to file certain additional documents/ information in the matter. The request was allowed by the Commission.

4. The Commission also directed the Petitioner and Respondents (BRPL and TPDDL) to furnish the following information, after serving copy to the other parties, on or before 20.11.2021:

**Petition No. 4/MP/2017**

A) The Petitioner shall furnish the following information :

- i) *The agreements entered among the Petitioner, Respondent no.1 and / or Respondent no. 2 for the energy supplied through alternative arrangements for the period between 1.4.2011 to 31.8.2011, particularly, the document to the effect that tariff of Rs. 3.58 / kWh was agreed by the Respondent No.1 as the normative PPA tariff for energy supplied through alternative arrangements during the subject period;*
- ii) *The details of month-wise power offered / availability declared, against the contracted capacity of 154.5 MW, by the petitioner / respondent no. 2 (along with the necessary documents) to the Respondent no. 1, power scheduled by the Respondent no. 1 and the detailed capacity charges calculated for the period between 1.4.2011 to 31.3.2012. Further, the monthly capacity declared for the unit I from 1.9.2011 to 31.3.2012;*
- iii) *The calculation, in excel sheet (with links), in respect of capacity charges for the period between 1.4.2011 to 31.3.2012;*
- iv) *The details of the monthly energy actually supplied to Respondent no. 1, trading charges and STOA charges paid to the Respondent no. 2 (segregated transmission charges prior to and beyond 400 kV, Maithon S/s) during the period between 1.4.2011 to 31.8.2011;*
- v) *The details of bills raised by Respondent no. 2 against the Petitioner w.r.t. the subject contracted capacity during the period between 1.4.2011 to 31.8.2011;*

B) The Respondent, BRPL is directed to furnish the following information :

- i) *Monthly capacity charges, energy charges, trading charges, STOA charges (segregated transmission charges prior to and beyond Delhi periphery) etc, paid to the Respondent no. 2 during the period between 1.4.2011 to 31.8.2011.*
- ii) *The details of bills raised by Respondent no. 2 against the Respondent no. 1 during the period from 1.4.2011 to 31.8.2011.*
- iii) *The details of communication received from the petitioner regarding the capacity offered from time to time between 1.4.2011 to 31.03.2012.*
- iv) *The reasons for not making the full / part payment against the bill raised by petitioner for the month of September, 2011.*
- v) *The details of communication / reply made to the petitioner w.r.t. the capacity offered / declared for available from time to time. In case of any instances, wherein, capacity offered by Petitioner but response / reply was not given, the details of such instances and reasons thereof for such action / inaction.*
- vi) *Whether power was procured from alternate sources even when capacity was declared by the Petitioner? In case of non-availability of capacity from the Petitioner during the*



*contract period, the correspondence made with petitioner prior to availing power through alternative sources.*

- vii) *Provide the detailed calculation in excel sheet (with links) in respect of claimed refund of Rs. 113.6 core, compensation of Rs. 99 crore and Rs. 19 crore w.r.t.. capacity charges.*

**Petition No. 5/MP/2017**

A) The Petitioner shall furnish the following information:

- i) *The agreement entered among the Petitioner, Respondent no.1 and / or Respondent no. 2 for the energy supplied through alternative arrangements for the period between 1.4.2011 to 31.8.2011, particularly, the document to the effect that tariff of Rs. 3.58 / kWh was agreed by the respondent no. 1 as the Normative PPA tariff for energy supplied through alternative arrangements during the subject period.*
- ii) *The details of month wise power offered / availability declared by the Petitioner /Respondent no. 2 (along with the necessary documents) to the Respondent no. 1, power scheduled by the Respondent no. 1 and the detailed capacity charges calculated for the period between 1.9.2011 to 31.3.2012.*
- iii) *The details of monthly energy actually supplied to Respondent no. 1, trading charges and STOA charges paid to the respondent no. 2 (segregated transmission charges prior to and beyond 400 kV, Maithon S/s) during the period between 1.4.2011 to 31.8.2011.*
- iv) *The details of bills raised by Respondent no. 2 against the Petitioner during the period between 1.4.2011 to 31.8.2011*

B) The Respondent TPDDL shall furnish the following information :

- i) *Monthly capacity charges, energy charges, trading charges, STOA charges paid to the Respondent no. 2 (segregated transmission charges prior to and beyond Delhi periphery) etc, during the period between 1.4.2011 to 31.8.2011.*
- ii) *The details of bills raised by Respondent no. 2 against the Respondent no. 1 during the period from 1.4.2011 to 31.8.2011.*

5. The Respondents and the Petitioner shall file their replies/ rejoinders on or before 30.11.2021. These petitions shall be listed for hearing in due course for which separate notice shall be issued.

**By order of the Commission**

**Sd/-**

**B. Sreekumar  
Joint Chief (Law)**

