

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 46/MP/2021

Subject : Petition under the Central Electricity Regulatory Commission (Power Market) Regulations, 2010 and applicable provisions of the Electricity Act, 2003; Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008; Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 as amended from time to time and Bye-Laws Regulations and Business Regulations of the Respondent Energy Exchange, inter alia, for violation of order dated 29.5.2020 in Petition No. 225/RC/2020.

Date of Hearing : 25.6.2021

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

Petitioner : BSES Rajdhani Power Limited (BRPL)

Respondents : Indian Energy Exchange (IEX) and 2 Ors.

Parties Present : Shri Arijit Maitra, Advocate, BRPL
Ms. Meghna Bajpeyi, Advocate, BRPL
Ms. Swapna Seshadri, Advocate, IEX
Shri Anand Ganesan, Advocate, IEX
Shri Amal Nair, Advocate, IEX

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner, BRPL submitted that the present Petition has been filed, *inter-alia*, seeking declaration that the cancellation of bids and/or bids aborted in Real Time Market ('RTM') sessions conducted by the Power Exchange is a force majeure event and that no deviation settlement penalties may be applied on the Petitioner due to cancellation of the bid/bid being aborted by the Respondent, Power Exchange. Alternatively, the Petitioner has also prayed for direction to the Respondent, Power Exchange to bear the deviation settlement penalty. Learned counsel added that during the period from July, 2020 to February, 2021, various bids placed by the Petitioner in RTM have been either cancelled or aborted by the Respondent, Power Exchange *post facto* on the grounds of 'technical glitch' or 'data base failure'. This sudden change of bid status as *Exchange cancelled* by the Respondent left the Petitioner with no other option but to overdrawl in real time beyond its stipulated limit, subjecting it to the additional deviation settlement penalties for no fault of its own.

3. Learned counsel for the Respondent, IEX accepted the notice. Learned counsel referring to the prayer (c) of the Petitioner, submitted that the IEX cannot be held liable to bear the deviation settlement penalties of the Petitioner as prayed for without the Petitioner's bids being fructified.



4. After hearing the learned counsels for the Petitioner and the Respondent, the Commission ordered as under:

- a) The Petitioner to array POSOCO as party to the Petition and to file revised memo of parties within a week.
- b) Admit. Issue notice to the Respondents including POSOCO.
- c) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 16.7.2021 after serving to the Petitioner, who may file its rejoinder, if any by 30.7.2021.
- d) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

5. 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)**