

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 594/MP/2020**

- Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 along with statutory framework governing procurement of power through competitive bidding and Articles 4 and 9 of the Power Purchase Agreement dated 21.3.2013 executed between GMR Warora Energy Limited and DNH Power Distribution Corporation Limited (DNH) seeking directions to DNH to pay Capacity Charge to GWEL based on capacity declared by GWEL on day ahead basis.
- Date of Hearing : 26.3.2021
- Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : GMR Warora Energy Limited (GWEL)
- Respondent : DNH Power Distribution Corporation Limited (DNH)
- Parties Present : Shri Amit Kapur, Advocate, GWEL  
Shri Vishrov Mukerjee, Advocate, GWEL  
Shri Girik Bhalla, Advocate, GWEL  
Ms. Raveena Dhamija, Advocate, GWEL  
Shri Anand Ganesan, Advocate, DNH  
Ms. Swapna Sheshadri, Advocate, DNH  
Shri Ashwin Ramanathan, Advocate, DNH

**Record of Proceedings**

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking directions to the Respondent to pay capacity charges based on the capacity declared by the Petitioner on day ahead basis. Learned counsel further submitted that the Respondent has wrongfully refused to make payment of the Petitioner's legitimate dues claiming the reduction in supply of power on its part on account of industry shutdown in the Union Territory of Dadra and Nagar Haveli pursuant to the direction of Government of India due to outbreak of Covid 19 pandemic as force majeure event, which is contrary to provisions of the PPA, Guidelines issued by Ministry of Home Affairs and orders/circular of Ministry of Power, Government of India. It was submitted by the learned counsel that as on date, approximately Rs. 155 crore is outstanding against the Respondent towards non-payment of capacity charges.

3. Learned counsel for the Respondent, DNH accepted the notice and requested four weeks' time to file reply to the Petition.

4. After hearing the learned counsel for the Petitioner and the Respondent, the Commission admitted the Petition and directed to issue notice to the Respondent.

5. The Commission directed the Petitioner to serve copy of the Petition on the Respondent immediately, if not already served. The Respondent was directed to file its reply, if any, by 23.4.2021 with advance copy to the Petitioner, who may file its rejoinder, if any, on or before 20.5.2021. The due date of filing of reply and rejoinder should be strictly complied with.

6. 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 (Legal)**