

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 61/MP/2021**

Subject : Petition under Section 79(1)(f) and (k) of the Electricity Act, 2003 for adjudication of disputes arising on account of termination of Power Purchase Agreement dated 31.7.2012 by Respondent Nos. 1 and 2.

Date of Hearing : 3.3.2021

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

Petitioner : KSK Mahanadi Power Company Limited (KMPCL)

Respondents : Southern Power Distribution Company of Andhra Pradesh Limited and 3 Ors.

Parties Present : Shri Anand Ganesan, Advocate, KMPCL

**Record of Proceedings**

The matter was mentioned today by the learned counsel for the Petitioner through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition bearing Diary No. 4/2021 has been filed, *inter-alia*, for declaring the action of the Respondent Nos. 1 & 2 ('AP Discoms') in issuing the termination notice dated 19.12.2020 in respect of the Power Purchase Agreement dated 31.7.2012 as illegal and arbitrary and restraining them from taking any coercive and/or precipitative action against the Petitioner. Learned counsel submitted that since at the relevant time the Commission was not holding hearing in terms of the order of Hon'ble Supreme Court dated 28.8.2020 in Contempt Petition (Civil) No. 429/2020 in Civil Appeal No. 14697/2015, the Petitioner had approached the Hon'ble High Court of Delhi in W.P (C) No. 1380/2021 and Anr. The Hon'ble Delhi High Court vide its judgment dated 9.2.2021 disposed of the matter with direction to the parties to maintain status quo on invocation of bank guarantee as well as the supply of power for a period of 30 days from its order or till the time the Petition and the application for appropriate interim orders of the Petitioner is taken up for consideration by this Commission, whichever is earlier and that thereafter the interim protection would be subject to the orders of this Commission. Based on the above, learned counsel requested to take up the matter at the earliest.

3. Considering the request of the learned counsel for the Petitioner, the Commission directed to list the matter on admission on 12.3.2021.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Legal)**