

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 82/MP/2021

Subject	:	Petition under section 79(1)(f) of the Electricity Act, 2003 for directions on illegal claim of ₹66.31 crore towards the transmission charges for the period 16.6.2013 to 13.8.2013 and capacity charges for the period 16.6.2013 to 26.7.2013 including late surcharge fee by illegal invoking letter of credit by KSK Mahanadi Power Company Limited for the period without supplying power to the petitioners.
Date of Hearing	:	9.11.2021
Coram	:	Shri P. K. Pujari, Chairperson Shri I. S. Jha, Member Shri Arun Goyal, Member Shri P.K. Singh, Member
Petitioners	:	Southern Power Distribution Company of Telangana & Ors.
Respondents	:	KSK Mahanadi Power Company Limited & Ors.
Parties Present	:	Shri S. Vallinayagam, Advocate, APSPDCL Shri Aditya Das, WRLDC Shri Venkateshan M., SRLDC

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present matter is received on transfer from Andhra Pradesh State Electricity Regulatory Commission (APSERC) which was filed for seeking directions against the illegal claim of ₹66.31 crore towards the transmission charges for the period from 16.6.2013 to 13.8.2013 and capacity charges for the period from 16.6.2013 to 26.7.2013 including late surcharge fee by illegally invoking letter of credit (LC) by KSK Mahanadi Power Company Limited (in short, 'KSK Mahanadi') for the period without supplying power to the Petitioners.

3. The learned counsel for the Petitioner submitted that the Petitioner and KSK Mahanadi had entered into Power Purchase Agreement (PPA) dated 31.7.2012 for procurement of 400 MW power for a period of three years i.e., from 16.6.2013 to 15.6.2016. KSK Mahanadi failed to supply the power from the scheduled delivery date i.e. 16.6.2013 and the supply of power as per the scheduling report of WRLDC was actually from 14.8.2013.



4. In response to a query of the Commission regarding the delay in filing of the instant petition, the learned counsel for the Petitioner clarified that the petition was initially filed before APERC and Telangana State Electricity Regulatory Commission (TSERC) and instant petition includes the issues raised in the petitions filed before the concerned State Electricity Regulatory Commissions. He further submitted that as per the provisions of PPA, the PPA has been approved by the APERC and Letter of Intent was also issued.

5. The learned counsel appearing on behalf of KSK Mahanadi submitted that a petition has been filed by KSK Mahanadi on the same issue before the Commission and requested to consider both the petitions together.

6. After hearing the parties, the Commission ordered as :-

- (a) Admit
- (b) Issue notice to the Respondents.
- (c) Respondents to file their reply on affidavit by 29.11.2021 and the Petitioner to file rejoinder, if any, by 13.12.2021.
- (d) No extension of time will be allowed.
- (e) KSK Mahanadi to submit details with regards to serving the notice on the Petitioner and concerned RLDC of its intention to commence supply of power as per Article 4.1.2 of the PPA, on affidavit by 22.11.2021.
- (f) List the instant petition and alongwith the petition filed by KSK Mahanadi.

7. The Petition shall be listed for hearing in due course for which a separate notice will be issued to the parties

By order of the Commission

sd/-
(V. Sreenivas)
Deputy Chief (Law)

