

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 86/MP/2021
along with I.A No. 27/IA/2021**

Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 read with applicable regulations against the unilateral surrender of 150 MW power by Damodar Valley Corporation

Petitioner : Maithon Power Limited

Respondents : Damodar Valley Corporation

Date of hearing : **25.6.2021**

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

Parties present : Shri Sajan Poovayya, Senior Advocate, MPL
Shri Venkatesh, Advocate, MPL
Shri Suhael Buttan, Advocate, MPL
Shri Jayant Bajaj, Advocate, MPL
Shri Pankaj Prakash, MPL
Ms. Anushree Bardhan, Advocate, DVC
Shri Subrata Ghosal, DVC

Record of Proceedings

Case was called out for virtual hearing.

2. This petition has been filed by the Petitioner MPL, against the unilateral surrender of 150 MW of power supplied by the Petitioner from its generating station to the Respondent DVC in terms of the PPA dated 28.9.2006.

3. During the hearing, the learned Senior counsel for the Petitioner submitted that the Respondent DVC has sought to unilaterally terminate the PPA in violation of Article 11 of the PPA, which provides that the PPA shall remain operative for all purposes initially for a period of 30 years, unless the parties mutually agree to do so. He also submitted that the Petitioner has filed IA No. 27/2021 seeking directions on the Respondent DVC to continue to pay the amounts as per monthly invoices raised by the Petitioner and to maintain status quo during the pendency of the petition. The learned Senior counsel requested that the petition may be admitted and the parties be heard at the earliest, after completion of the pleadings.

4. On a specific query by the Commission whether the PPA has been terminated by the Respondent, the learned Senior counsel for the Petitioner clarified that the termination



of PPA is effective from 1.9.2021. He accordingly prayed for interim orders in terms of the prayers in IA No.27/2021.

5. At the outset, the learned counsel for the Respondent DVC submitted that the parties are in the process of undertaking mutual negotiations for settlement of outstanding issues. She, however, submitted that the petition may be admitted and the Respondent may be permitted to file its reply.

6. The Commission after hearing the parties 'admitted' the petition and directed the parties to complete pleadings in the matter, within four weeks. Meanwhile, in terms of the submissions of the learned counsel for the Respondent, the Commission granted liberty to the parties to undertake mutual negotiations for settlement of the issues and report compliance, prior to the next date of hearing.

7. The Petition along with IA shall be listed for hearing during the first week of August 2021, for which separate notice will be issued to the parties.

By order of the Commission

Sd/-
(B.Sreekumar)
Joint Chief (Law)

