

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 119/MP/2017

Subject : Petition under Section 79 of the Electricity Act, 2003 and Power Purchase Agreement dated 8.1.2011 entered into between Rajasthan Sun Technique Energy Private Limited and NTPC Vidyut Vyapar Nigam Limited for extension of Scheduled Commissioning Date.

Petitioner : Rajasthan Sun Technique Energy Pvt. Ltd. (RSTEPL)

Respondents : NTPV Vidyut Vyapar Nigam Limited (NVTN) and Anr.

Petition No. 275/MP/2020

Subject : Petition under Section 79 of the Electricity Act, 2003 and Power Purchase Agreement dated 8.1.2011 entered into between the Petitioner and the Respondent seeking suitable directions for release of the payment of cumulative amount of Rs. 32,51,77,020/- raised by the Petitioner under its invoice dated November 4, 2016, December 5, 2015, January 4, 2017, February 4, 2017 and March 4, 2017 for supply of electricity and payment of Late Payment Surcharge as per Article 10.3.3 of the Power Purchase Agreement dated 8.1.2011.

Petitioner : Rajasthan Sun Technique Energy Pvt. Ltd. (RSTEPL)

Respondents : NTPV Vidyut Vyapar Nigam Limited (NVTN) and 16 Ors.

Date of Hearing : 20.5.2022

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

Parties Present : Shri Buddy A. Ranganadhan, Advocate for the Petitioners
Shri Hasan Murtaza, Advocate for the Petitioner
Ms. Anushree Bardhan, Advocate, NVTN
Ms. Sikha Sood, Advocate, NVTN
Shri Anand Ganesan, Advocate, PSPCL & Rajasthan Discoms
Ms. Swapna Seshadri, Advocate, PSPCL & Rajasthan Discoms
Shri Amal Nair, Advocate, PSPCL & Rajasthan Discoms
Ms. Devi V. Nair, Advocate, Rajasthan Discoms
Ms. Renu Sarin, NVTN
Shri Sukesh Mohanty, NVTN
Shri Anurag Gupta, NVTN

Record of Proceedings

Cases were called out for virtual hearing.



2. At the outset, learned counsel for the Petitioner submitted that the issues involved in the matters have already been decided by the Commission vide its earlier order(s) in similarly placed Petitions and the appeals filed against such order(s) are presently being heard by the Appellate Tribunal for Electricity ('APTEL'). Since the decision of the APTEL in the said appeals will have direct bearing on the outcome of the present Petitions, the Commission may take up these matters after the decision of the APTEL.

3. Learned counsel for the Respondent, NVVN supported the aforesaid request and submitted that issues relating to the shortfall in the generation and the grounds raised by the developer in the present matters are common to those involved in the appeals before APTEL. Accordingly, learned counsel for the Respondent requested that the present matters may be taken up for hearing after the decision of APTEL.

4. Considering the request of the learned counsel for the Petitioner and the Respondent, NVVN, the Commission adjourned the matters sine die.

5. The Petitions shall be listed for hearing only after mentioning by the learned counsels for the Petitioners.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**