

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 230/MP/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 in relation to non-payment of Fixed Charges by truing annualised threshold PLF of 55% as per the Tariff determined by the State Commission to M/s EID Parry (India) Limited under the Power Purchase Agreement.

Date of Hearing : 13.10.2022

Coram : Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : E.I.D Parry (India) Limited (EIDPIL)

Respondents : Transmission Corp. of Andhra Pradesh Ltd. and 7 Ors.

Parties Present : Shri Manu Seshadri, Advocate, EIDPIL
Shri Avek Ganguly, Advocate, EIDPIL
Ms. Pallavi Anand, Advocate, EIDPIL
Shri Abhijit Lal, Advocate, EIDPIL

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed seeking direction to the Respondents to pay Rs.4,28,23,048/- towards fixed cost claimed by the Petitioner in the monthly tariff bills raised on the Respondent No.1 for the period from 1.4.2004 to 14.8.2010 by truing up annualized threshold Plant Load Factor (PLF) of 55% along with the applicable interest. The learned counsel submitted that the Respondents have been computing the PLF on monthly basis rather than on annual basis which is contrary to the terms of the Power Purchase Agreement and the direction of the State Commission. The learned counsel further highlighted the background of the matter and issue involved and pointed out that the present Petition was originally filed before the State Commission which has been transferred to this Commission pursuant to the bifurcation of erstwhile State of Andhra Pradesh. The learned counsel sought liberty to file legible copies of some of the calculations as furnished with the Petition.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition, if any, within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder within four weeks thereafter.

(c) The Petitioner shall file its additional affidavit within two weeks.



(d) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 17.1.2023.

By order of the Commission

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