

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 253/MP/2022**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Articles 11 & 22 of the Pilot Agreement for Procurement of Power dated 25.02.2019 and Pilot Power Supply Agreement dated 26.02.2019 seeking directions to PTC/Haryana Power Purchase Centre to make payment of Rs. 12,64,54,644/- claimed under Tariff Invoice dated 2.5.2020 raised by MB Power for the month of April 2020 in terms of the PPA.

Date of Hearing : 13.10.2022

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

Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)

Respondents : Haryana Power Purchase Centre (HPPC) and Anr.

Parties Present : Shri Amit Kapur, Advocate, MBPMPL  
Shri Sagnik Maitra, Advocate, MBPMPL  
Shri Shikhar Verma, Advocate, MBPMPL  
Shri Abhishek Gupta, MBPMPL

**Record of Proceedings**

The learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking payment of Rs.12,64,54,644/- unilaterally withheld by the Respondents, PTC/HPPC against the monthly tariff invoice dated 2.5.2020 raised by the Petitioner for the month of April 2020 under the Power Purchase Agreement (PPA) dated 25.2.2019 along with the applicable interest/late payment surcharge. The learned counsel submitted that the issue involved in the matter is whether Covid-19 pandemic resulting in imposition of nationwide lockdown and the consequent reduction in demand of power in the State of Haryana constitute an event of force majeure for PTC/HPPC under the PPA/PPSA absolving them from making payment of tariff invoices as per the PPA/PPSA. The learned counsel also submitted that this issue is squarely covered by the order dated 20.1.2022 in Petition No. 594/MP/2020 (GMR Warora Energy Ltd. v. DNHPDCL) by this commission and also by the Hon'ble High Courts in their various decisions referred to in 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, by 7.11.2022 after serving copy of the same to the Petitioner, who may file its rejoinder on or before 30.11.2022.



(c) 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 8.12.2022.

**By order of the Commission**

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