

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 258/MP/2019**

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Article 17 of the PPA dated 20.1.2009 for adjudication of dispute with respect to non-payment of amount towards the level of lifting penalty paid to coal suppliers by Jhajjar Power Limited in terms of Article 1.2.8 of Schedule 7 of the PPA for the Contract Year 2016-17

Date of Hearing : 26.5.2022

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

Petitioner : Jhajjar Power Limited (JPL)

Respondents : Tata Power Trading Company Limited & others

Parties Present : Shri Aniket Prasoon, Advocate, JPL  
Ms. Priya Dhankhar, Advocate, JPL  
Ms. Aanandini Thakare, Advocate, JPL  
Shri Shri Venkatesh, Advocate, TPTCL  
Shri Rishub Kapoor, Advocate, TPTCL  
Shri Jatin Ghuliani, Advocate, TPTCL  
Ms. Isnain Muzamil, Advocate, TPTCL  
Ms. Parichita Chowdhury, Advocate, TPDDL  
Ms. Bitika Kaur, JPL  
Ms. Sarika Jerath, TPTCL  
Ms. Aiyer Vaishnavi, TPTCL

**Record of Proceedings**

Case was called out for virtual hearing.

2. Learned proxy counsel for TPDDL submitted that arguing counsel in the matter is unwell and requested for an adjournment. Learned counsel for the Petitioner did not object the same. However, learned counsel sought permission to conclude his submissions which was allowed by the Commission.

3. During the course of hearing, learned counsel for the Petitioner referred various provisions of PPA and made detailed submissions in the matter and concluded its submissions.

4. Learned counsel for TPTCL submitted that the Petitioner is taking contrary stand before the Commission, as on one hand, the Petitioner contends that there exists a composite scheme of generation of electricity in more than one State to

make out the jurisdiction of the Commission and on the other hand it contends that there is no privity of contract between the Petitioner and TPDDL, and only the arrangement extended between the Petitioner and either with Haryana Discoms or TPTCL. Therefore, considering the case of the Petitioner that there is no privity of contract between the Petitioner and TPDDL, there will be no composite scheme of generation of electricity in more than one State. He further added that the supply of electricity happens from the State of Haryana and is consumed in the State of NCT of Delhi. Therefore, without existence of a composite scheme, this Commission will not have jurisdiction to adjudicate upon the present dispute and the present Petition is liable to be dismissed.

5. In rebuttal, learned counsel for the Petitioner submitted that the Commission in paragraph 5 of the Record of Proceedings for the hearing dated 5.5.2020 has already dealt with the issue raised by the learned counsel for TPTCL.

6. After hearing the learned counsels for the parties, the Commission directed the Respondent, TPTCL to file written submission within a week with copy to the Petitioner who may file its response thereof within two weeks thereafter.

7. The Commission directed the Petitioner to submit on affidavit within two weeks the details of coal off-take and power scheduled to the beneficiaries during the period for which penalty is claimed due to low lifting of coal and details of coal stock (in number of days).

8. The matter is part heard.

9. The Petition shall be listed for hearing in due course for which separate notice will be issued

**By order of the Commission**

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