

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 285/MP/2019 and IA No.22/2020

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 seeking approval of Guidelines/Mechanism for procurement of coal from alternate sources (i.e. other than the linkage coal) under the Power Purchase Agreement dated 7.8.2008.

Date of Hearing : 13.01.2022

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

Petitioner : Jhajjar Power Limited (JPL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and 4 Ors.

Parties Present : Shri Sajan Poovayya, Sr. Advocate, JPL
Shri Ramanuj Kumar, Advocate, JPL
Shri Manpreet Lamba, Advocate, JPL
Ms. Priyal Modi, Advocate, JPL
Shri Pratibhanu Singh Kharola, Advocate, JPL
Shri Nitish Gupta, Advocate, TPDDL
Shri Avdesh Mandloi, Advocate, TPDDL
Shri Nishant Talwar, Advocate, TPDDL
Shri M. G. Ramachandran, Sr. Advocate, Haryana Utilities
Shri Shubham Arya, Advocate, Haryana Utilities
Ms. Poorva Saigal, Advocate, Haryana Utilities
Shri Venkatesh, Advocate, TPTCL
Ms. Mehak Verma, Advocate, TPTCL
Shri Ashutosh K. Srivastava, Advocate, TPTCL
Shri Naveen Munjal, JPL
Ms. Sudipta Ghosh, JPL
Ms. Bikita Kaur, JPL
Shri Ravi Dabbiru, TPTCL

Record of Proceedings

Case was called out for virtual hearing.

2. The learned senior counsel for the Petitioner and the learned senior counsel for the Respondents, Haryana Utilities made detailed submissions in the matter.

3. The learned counsel for the Respondent, TPTCL submitted that the Respondent is only an intermediary trader between the Petitioner and the Respondent, TPDDL and has no role to play in the matter. The learned counsel further submitted that the Respondents, TPTCL and TPDDL have no role in granting prior approval to the Petitioner for procuring coal and consequently, while considering the prayers of the Petitioner, it may be ensured that the Respondents

are not made liable to pay compensation and/or penalty to the Petitioner in the above regard.

4. The learned counsel for the Respondent, TPDDL adopted the submissions made by the learned senior counsel for Haryana Utilities and reiterated that the present Petition is pre-mature. The learned counsel further submitted that unlike the provisions of the PPA between the Petitioner and Haryana Utilities, under the PPA (between Petitioner and TPTCL) and PSA (between TPTCL and TPDDL) in the case of the Respondent, prior approval of the Respondent is not a pre-condition for procuring coal from alternative route and, therefore, the Respondent cannot be made liable to compensate or pay any losses suffered by the Petitioner due to delay in obtaining prior approval from Haryana Utilities.

5. After hearing the learned senior counsels and the learned counsels of the parties, the Commission reserved the order in the matter.

By order of the Commission
Sd/-

(T.D. Pant)
Joint Chief (Law)