

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 40/MP/2022

Subject : Petition under Section 79(1)(a) and (f) of the Electricity Act, 2003.

Petitioner : NTPC Limited (NTPC)

Respondents : Meghalaya Power Distribution Corporation Limited (MPDCL) and Anr.

Petition No. 47/MP/2022 and IA No.5/IA/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Article 7 of the Power Purchase Agreement dated 13.7.2007 entered into between the National Thermal Power Corporation and the predecessor in interest of the Petitioners i.e. the Meghalaya State Electricity Board.

Petitioner : Meghalaya Power Distribution Corporation Limited (MPDCL) and Anr.

Respondent : NTPC Limited

Date of Hearing : 21.4.2022

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

Parties Present : Ms. Swapna Seshadri, Advocate, NTPC
Shri Anand K Ganesan, Advocate, NTPC
Ms. Ritu Apurva, Advocate, NTPC
Shri Jai Dhanani, Advocate, NTPC
Shri Shaurya Sahay, Advocate, MPDCL

Record of Proceedings

Cases were called out for virtual hearing.

2. Learned counsel for NTPC submitted that in compliance with the direction of the Commission vide Record of Proceedings ('RoP') for the hearing dated 17.2.2022, NTPC, vide its affidavit dated 8.3.2022, has filed the details relating to (i) month-wise quantum of energy requisitioned, scheduled and dispatched from its Bongaingon Thermal Power Station ('BPTS') under the Power Purchase Agreement dated 13.7.2007 till date, (ii) month-wise details of total amounts billed by NTPC to MPDCL as per the provisions of the PPA pertaining to BTPC till date and (iii) month-wise details of corresponding total payment made by Meghalaya Power Distribution Corporation Limited (MPDCL) till date and the outstanding dues till date along with break-up of principal and late payment surcharges. Learned counsel referred the said affidavit dated 8.3.2022 and submitted that energy has been scheduled and



despatched to MPDCL from BTPS for the period from April, 2016 to March, 2017 and from November, 2017 to January, 2022. She further added that against the total amount of Rs. 864.07 crore as billed to MPDCL in respect of BTPS, it has made payment of Rs. 297.67 crore and, the total outstanding amount, as on 28.2.2022, was Rs. 566.39 crore. Learned counsel submitted that despite directions to MPDCL, it has failed to file the details called for by 8.3.2022 and that in view of the considerable outstanding amount and the fact that MPDCL had been scheduling the energy from BTPS, the status-quo granted by the Commission vide RoP for hearing dated 17.2.2022 be vacated and MPDCL be directed to make the payment towards outstanding amount, subject to the outcome of the present Petitions.

3. Learned counsel for MPDCL, on the instruction, submitted that MPDCL has not received a copy of the Petition No. 40/MP/2022 filed by NTPC till date and accordingly, requested the Commission to direct NTPC to serve the copy of its Petition. Learned counsel further submitted that as regards the filing of the details as per the RoP for the hearing dated 17.2.2022, such details have been compiled and MPDCL may be permitted a week's time to file such details. Learned counsel further submitted that the reply of NTPC in its Petition No.47/MP/2022 has been received only on day before yesterday and that MPDCL may be given one last opportunity to file its affidavit prior to issuance of any direction to MPDCL.

4. In response, learned counsel for NTPC submitted that copy of the Petition is automatically served on the Respondents through e-filing portal of the Commission. Regardless, the details called for could have been filed by MPDCL in its own Petition. Learned counsel further submitted that MPDCL may be granted additional time to complete the pleadings as sought for but, in the meantime, direction to maintain the *status-quo* be vacated and MPDCL be directed to at least make a part payment of the outstanding amounts.

5. After hearing the learned counsel for the parties, the Commission granted one last opportunity to MPDCL to file the details called for vide RoP for the hearing dated 17.2.2022 within a week. The Commission observed that status-quo shall be maintained by the parties till the next date of hearing. However, in view of the vehement submissions made by NTPC for vacating the *status-quo* and direction to make payment towards considerable outstanding amounts, the Commission directed to list the matter at the earliest.

6. The Commission further directed the parties to complete the pleadings in the matter by within 10 days from the issuance of the ROP.

7. The Petitions 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)**