

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.44/MP/2022

Subject : Petition under Sections 60, 61, 79(1)(f), 86(1)(e) and 29(5) of the Electricity Act, 2003 read with Regulation 17 of CERC (Terms and Conditions of Tariff) Regulations, 2019 seeking adjudication of dispute with NTPC Ltd. in terms of the Order dated 17.01.2022 passed in WP (C) 10026 of 2020.

Petitioner : TPDDL

Respondents : NTPC Limited

Date of Hearing : **9.3.2022**

Coram : Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Sajan Poovayya, Senior Advocate, TPDDL
Shri Anand Kumar Shrivastav, Advocate, TPDDL
Ms. Priyansha Indra Sharma, Advocate, TPDDL
Ms. Devyani Bhatt, Advocate, TPDDL
Ms. Raksha Aggarwal, Advocate, TPDDL
Shri Anand K Ganesan, Advocate, NTPC
Ms. Swapna Seshadri, Advocate, NTPC
Ms. Ritu Apruva, Advocate, NTPC
Shri Jai Dhanani, Advocate, NTPC

Record of Proceedings

Case was called out for virtual hearing.

2. During the hearing 'on admission', the learned Senior counsel for the Petitioner TPDDL submitted that pursuant to the judgment dated 17.1.2022 of the Hon'ble High Court of Delhi in W.P.(C) 10026/2020 & W.P.(C) 4167/2020 (TPDDL v NTPC & ors), the present petition has been filed seeking adjudication of disputes in respect of Dadri-I generating station of NTPC. He also submitted that the issues raised by the Petitioner are covered by the common judgment dated 8.2.2022 of the Appellate Tribunal for Electricity (APTEL) in Appeal No. 239/2021(BRPL v CERC & ors) and Appeal No. 240/2021 (BYPL v CERC & ors).

3. On a specific query by the Commission as to whether TPDDL was a party in the aforesaid appeals, the learned Senior counsel clarified that though APTEL had permitted the Petitioner to put forward its submissions in the aforesaid appeals, the



judgment dated 8.2.2022 of APTEL does not cover the Petitioner, and therefore, the present petition has been filed.

4. On a further query by the Commission as to whether any appeal filed by the Petitioner is pending before APTEL, the learned Senior counsel affirmed the same, but submitted that leave to appeal is yet to be granted by APTEL. He, however, submitted that the Commission may record his undertaking that the Petitioner would not pursue the said appeal before APTEL and would withdraw the same.

5. The learned counsel for the Respondent, NTPC submitted that in the appeal filed by the Petitioner, APTEL vide its order dated 11.2.2022 in DFR No.22 of 2022 has issued notice to the Respondents and the appeal is listed on 25.3.2022. In response, the learned Senior counsel submitted that the Petitioner will seek withdrawal/disposal of the appeal on that date.

5. Considering the submissions of the parties, the Commission directed the present petition to be listed after disposal of the appeal filed by the Petitioner.

6. The matter shall be listed in due course for which separate notice shall be issued to the parties.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

