

**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 : 20.5.2022

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Sajjan Poovayya, Senior Advocate, TPDDL
Shri Anand Kumar Shrivastav, Advocate, TPDDL
Ms. Anuja Jain, Advocate, TPDDL
Ms. Devyani Bhatt, Advocate, TPDDL
Ms. Swapna Seshadri, Advocate, NTPC
Shri Anand K Ganesan, Advocate, NTPC
Ms. Ritu Apruva, Advocate, NTPC
Shri Jai Dhanani, Advocate, NTPC

Record of Proceedings

The case was called out for virtual hearing.

2. During the hearing, the learned Senior counsel for the Petitioner submitted that pursuant to the directions of the Commission vide ROP dated 9.3.2022, the Petitioner had withdrawn the appeal filed by it before the Appellate Tribunal for Electricity ('APTEL') and accordingly, the present petition has been listed. He also submitted that the judgment dated 8.2.2022 of APTEL in Appeal Nos. 239/2021 and 240/2021 (against the Commission's common order dated 1.7.2021 in Petition No. 65 of 2021 & Petition No. 60 of 2021) holding that the distribution licensees (BRPL & BYPL) have the powers to exit the PPA/SPPA signed with the Respondent in terms of Regulation 17(2) of the 2019 Tariff Regulations, in respect of Dadri-I generating station is squarely applicable to the case of the Petitioner herein. The learned counsel further submitted that in the Civil Appeal filed by the Respondent, before the Hon'ble Supreme Court, against the said judgment of APTEL, no stay was granted by the Hon'ble Court. Accordingly, the learned counsel submitted that the relief sought for in the petition may be allowed.



3. The learned counsel for the Respondent clarified that the Hon'ble Supreme Court has issued notice on the Civil Appeal and for interim relief, with directions to list the matter in July, 2022. Accordingly, the learned counsel prayed that the Respondent may be granted time to file its reply in the matter.

4. The Commission, after hearing the parties, directed the Respondent to file its reply by 16.6.2022, after serving copy to the Petitioner, who may file its rejoinder, if any, by 27.6.2022. Pleadings shall be completed by the parties within the due dates mentioned and no extension of time shall be granted.

5. Matter shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

