

**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 Limited in terms of the Order dated 17.01.2022 passed in Writ Petition (Civil) No. 10026 of 2020

Date of Hearing : **28.6.2022**

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

Petitioner : Tata Power Delhi Distribution Limited

Respondents : NTPC Limited

Parties present : Shri Sajjan Poovayya, Senior Advocate, TPDDL
Shri Anand Kumar Shrivastava, Advocate, TPDDL
Ms. Anuja Jain, Advocate, TPDDL
Ms. Devyani Bhatt, Advocate, TPDDL
Ms. Rishika Garg, Advocate, TPDDL
Ms. Swapna Seshadri, Advocate, NTPC
Shri Anand K Ganesan, Advocate, NTPC
Ms. Ritu Apurva, 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 circulated the 'aide-memoire' giving the list of dates and made detailed submissions in the matter. He also pointed out that the APTEL judgment dated 8.2.2022 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 of Delhi 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 of the Petitioner, is squarely applicable to the present case of the Petitioner. He further submitted that the Petitioner was also permitted by APTEL to intervene and put forth its submissions in the said appeal. The learned Senior Counsel also submitted that there is no stay order of the Hon'ble Supreme Court, till date, in the Civil Appeal filed by the Respondent against the APTEL judgment dated 8.2.2022. He added that the submission of the Respondent, in its reply, indicating the stand taken by the Petitioner in the Writ Petition (WP No. 3735/2022) filed by it, before the Hon'ble Delhi High Court challenging the de-allocation of power by MOP, GOI from Dadri-II project of the Respondent vis-à-vis



the present petition, is irrelevant for consideration, as the Petitioner, in the present case, has sought to set-aside the letter dated 30.11.2020 issued by the Respondent and to exit the PPA/SPPA in terms of Regulation 17(2) of the 2019 Tariff Regulations, from Dadri-I project, on the strength of the APTEL judgment dated 8.2.2022. The learned Senior counsel prayed that the Petitioner may be permitted to file a short written submission in the matter.

3. In response, the learned counsel for the Respondent submitted that the Hon'ble Supreme Court has listed the stay application for hearing on 18th July, 2022, considering the submissions of the Respondent regarding parties exiting the PPA/SPPA. She also pointed out that while the Petitioner, in the present petition, has submitted that it has sufficient and economically tied up for power supply to service the consumers in its licensed area even if it stops scheduling power from Dadri-I project of the Respondent, it has in the Writ Petition (3735/2022) filed before the Hon'ble High Court submitted that any de-allocation of power from Dadri-II project of the Respondent, will jeopardize energy security scenario of Delhi/NCT and may lead to power blackout in the State of Delhi. Accordingly, the learned counsel submitted that such inconsistent stand taken by the Petitioner before different forums may be taken note of by the Commission, while passing order in the present petition. She added that the reply filed in the matter may be taken on record and considered accordingly.

4. The Commission, after hearing the parties, permitted the Respondent to file its reply, within two days, with copy to the Petitioner, if not done earlier. The Petitioner is permitted to upload the list of dates referred during the hearing and also file its written submissions (not exceeding three pages) by **8.7.2022**, with copy to the Respondent.

5. Subject to the above, order in the petition was reserved.

By order of the Commission

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

