

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Diary (IA) No. 451/2022  
in Petition No. 128/MP/2022**

Subject : Application for placing on record relevant documents and for modification of the order dated 13.9.2022 in Petition No.128/MP/2022.

Date of Hearing : 10.11.2022

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

Applicant : Gujarat Urja Vikas Nigam Limited (GUVNL)

Parties Present : Ms. Swapna Seshadri, Advocate, GUVNL  
Shri Shreshtha Sharma, Advocate, TPCL

**Record of Proceedings**

The matter was mentioned today by the learned counsel for the Applicant/Respondent No.1, GUVNL.

2. The learned counsel for GUVNL submitted that while the Petition No. 128/MP/2022 has been reserved for order vide Record of Proceedings for hearing 27.9.2022, GUVNL has filed the present IA bearing Diary No. 451/2022, *inter-alia*, to place on record the Annual Report of TPCL for financial year 2021-22, the Consolidated Financial Results for Quarter Ended on 30.6.2022 and the Consolidated Financial Results for Quarter and Half Year Ended on 30.9.2022. Learned counsel submitted that these financial documents/reports, as available in public domain, have a bearing on the decision reached by the Commission vide interim order dated 13.9.2022 whereby GUVNL has been directed to refund the deduction of fixed charges of Rs. 0.20 per kWh. The learned counsel submitted that the above financial documents clearly indicate that there had been a mutual agreement between the parties and TPCL has acted as per the agreed terms of the draft SPPA exchanged between the parties. The learned counsel further submitted that TPCL ought to be held bound by the admissions contained in these financial documents/ reports and cannot be allowed to plead that reduction in fixed charges of 20 paise/kWh cannot be given effect on the plea that in the absence of agreed SPPA, the clauses of the initial PPA dated 22.4.2007 will be apply. The learned counsel, accordingly, prayed that these documents be considered by the Commission while deciding the matter.

3. Learned counsel for TPCL vehemently opposed the aforesaid request of the learned counsel for GUVNL. The learned counsel submitted that the Annual Report of TPCL for Financial Year 2021-22 and Consolidated Financial Results for Quarter 30.6.2022 as referred to by GUVNL were issued on 27.6.2022 and 26.7.2022 respectively and were already available in the public domain when the matter was last listed for hearing on 27.9.2022. The learned counsel further submitted that there is no

merit in the present IA. However, in the event the Commission decides to consider the above documents, TPCL may also be given an opportunity to respond to the same.

4. After hearing the learned counsel for the parties, the Commission permitted TPCL to file its brief response on the IA, if any, within two days

5. Subject to the above, the Commission reserved the order on IA.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**