

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 637/MP/2020

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Articles 12.3, 12.3(ii)(1)(b), 12.7(e) and 17 of the PPA dated 7.8.2008 (as amended vide Amendment Agreement dated 17.9.2008) and under Articles 12.3, 12.3(ii)(1)(b), 12.7(e) and 17 of the TPTCL PPA dated 20.1.2009 (as amended vide Amendment Agreement dated 12.10.2010) respectively, seeking recovery of the deemed Capacity Charges by Jhajjar Power Limited from the Procurers for the Contract Year 2018-19.

Date of Hearing : 15.7.2022

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

Petitioner : Jhajjar Power Limited (JPL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and 3 Ors.

Parties Present : Shri Sanjay Sen, Sr. Advocate, JPL
Shri Aniket Prasoon, Advocate, JPL
Ms. Akansha Tanvi, Advocate, JPL
Ms. Mandakini Ghosh, Advocate, JPL
Shri Rishabh Bhardwaj, Advocate, JPL
Shri Venkatesh, Advocate, TPTCL
Shri Jatin Ghuliani, Advocate, TPTCL
Shri Mohit Mansharamani, Advocate, TPTCL
Shri Abhay Kumar, Advocate, TPTCL
Shri M. G. Ramachandran, Sr. Advocate, Haryana Utilities
Ms. Poorva Saigal, Advocate, Haryana Utilities
Shri Shubham Arya, Advocate, Haryana Utilities
Shri Ravi Nair, Advocate, Haryana Utilities
Ms. Reeha Singh, Advocate, Haryana Utilities
Shri Nipun Dave, Advocate, Haryana Utilities
Shri Nitish Gupta, Advocate, TPDDL
Shri Nishant Talwar Advocate, TPDDL
Ms. Bikita Kaur, JPL
Ms. Sudipta Ghosh, JPL

Record of Proceedings

Case was called out for virtual hearing.

2. During the course of hearing, the learned senior counsel for the Petitioner and the learned senior counsel and learned counsel for the Respondents made detailed submissions in the matter.

3. Considering the request of the learned counsel for the parties, the Commission directed the Respondents to file their written submissions, if any, within period of two weeks with copy to the Petitioner, who may file its written submissions within two



weeks thereafter. The Petitioner was further directed to include in its written submissions a clear demonstration to the effect that the constraint in declaring full availability for the period of 88 days during financial year 2018-19 was due to denial by Haryana Utilities to approve the procurement of coal from alternate sources.

4. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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