

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 91/MP/2018

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) and other applicable provisions of the Electricity Act, 2003 seeking adjudication of disputes and differences under the Power Purchase Agreement dated 31.07.2012 as amended on 19.12.2014 and 23.01.2018 in regard to non-payment of tariff and unilateral deduction of the monthly energy bills of the Petitioner by the Respondents.

Petition No. 53/MP/2021

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) and other applicable provisions of the Electricity Act, 2003 seeking adjudication of disputes and differences under the Power Purchase Agreement dated 31.7.2012 as amended on 19.12.2014 and 23.1.2018 in regard to non-payment of tariff and unilateral deduction of capacity charges under the Bills of the Petitioner by the Respondents.

Petition No. 61/MP/2021

Subject : Petition under Section 79(1)(f) and (k) of the Electricity Act, 2003 for adjudication of disputes arising on account of termination of the Power Purchase Agreement dated 31.7.2012 by the Respondent Nos. 1 and 2.

Petition No. 149/MP/2021

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) and other applicable provisions of the Electricity Act, 2003 seeking adjudication of disputes and differences under the Power Purchase Agreement dated 31.7.2012 as amended on 19.12.2014 and 23.1.2018 in regard to non-payment of tariff and unilateral deduction of capacity charges under the Bills of the Petitioner by the Respondents.

Petitioner : KSKMPCL

Respondents : APSPDCL & 3 others.

Date of Hearing : **18.10.2022**

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

Parties Present : Shri Anand K. Ganesan, Advocate, KSKMPCL
Ms. Ashabari Thakur, Advocate, KSKMPCL
Shri S. Vallinayagam, Advocate, AP Discoms



Record of Proceedings

These 'part-heard' matters were called out for hearing.

2. During the hearing, the learned counsel for the Respondent AP Discoms circulated a note of arguments and commenced submissions in the matters. The learned counsel for the Petitioner submitted that the Respondents have not complied, on affidavit, the additional information sought by the Commission during the hearing on 12.7.2022, despite compliance of the same by the Petitioner. The learned counsel for the Respondents undertook to comply with the said directions of the Commission, which was accepted by the Commission.
3. The learned counsel for the Respondent referred to the note of arguments and made detailed oral submissions in these matters. The learned counsel for the Petitioner also made rejoinder submissions in these matters.
4. On a query by the Commission as to whether timely payments were made to the Petitioner, the learned counsel for the Respondent referred to the reply filed in Petition No.149/MP/2021 and submitted that details of the payments made to the Petitioner, along with reasons thereof, have been submitted. On being pointed out by the Commission that the details furnished by the Respondents, do not clearly indicate therein, the date on which payments were made, in relation to each of the invoices raised by the Petitioner, the learned counsel for the Respondent sought permission to file the details. The learned counsel for the Respondents also prayed that the Petitioner may be directed to furnish the copy of the TSA executed with PGCIL/CTU and also the report of RLDC indicating the quantum of power scheduled/dispatched, during the period of dispute.
5. On a further observation by the Commission that the parties (in Petition No.149/MP/2021) shall, after reconciliation of the payments made by Respondents, file a report indicating the payments made to Petitioner, the balance outstanding amounts payable against each invoice, with reasons thereof, the learned counsel for both the parties, agreed to the same.
6. The Commission, after hearing the parties, directed as under:
 - (a) Against the affidavit dated 5.8.2022 filed by the Petitioner, the Respondents shall, within **30.11.2022**, file a consolidated written submissions, with separate Annexures (Petition-wise), indicating the details (against monthly invoices raised by Petitioner towards energy bills & transmission charges), the date of payment of amount, the deductions/reversals, if any, with reasons thereof, and the reasons for non-payment of outstanding amounts, duly supported by documentary evidence, after serving advance copy to the Petitioner.
 - (b) The Petitioner shall file its response, to the above, along with documentary evidence, by **19.12.2022**, with copy to the other. The Petitioner shall also file the copy of the TSA executed with PGCIL/CTU, the report of RLDC indicating the power scheduled /dispatched from the project of Petitioner, during the period of dispute.



(c) A joint reconciliation statement (in Petition No.149/MP/2021) by the parties, clearly indicating the bills raised by Petitioner, the payments made by the Respondents (*against each invoices*), the deductions made (with reasons thereof), the balance amounts payable, including the reasons for non-payment.

7. These Petitions shall be listed for final hearing on **19.1.2023**.

By order of the Commission

Sd/-

(B. Sreekumar)
Joint Chief (Law)

