

**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 : KSK Mahanadi Power Company Limited

Respondent : APSPDCL & 3 ors

Date of Hearing : **12.7.2022**

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



Parties Present : Shri Anand K. Ganesan, Advocate, KSKMPCL
Ms. Swapna Seshadri, Advocate, KSKMPCL
Ms. Kriti Soni, Advocate, KSKMPCL
Ms. Harini Subramani, Advocate, KSKMPCL
Shri S. Vallinayagam, Advocate, AP Discoms
Shri A.K. Prasad, Advocate, AP Discoms (in Petition
No.61/MP/2021)
Shri Y. Pratap Reddy, AP Discoms

Record of Proceedings

These Petitions were called out for virtual hearing as the parties to the petitions are common and the questions to be answered in all the above stated petitions are interdependent.

2. During the hearing, the learned counsel for the Petitioner made detailed oral submissions on the issue of 'jurisdiction' of the Commission and on 'merits'. The learned counsel also prayed that it may be permitted to file its rejoinder to the replies of the Respondents along with copy of the judgments relied upon by the Petitioner, in the present case. This was permitted by the Commission.

3. The learned counsel for the Respondent, AP Discoms made detailed oral submissions and objected to the jurisdiction of the Commission. He also submitted that some of the claims of the Petitioner are barred by limitation. However, due to paucity of time, the learned counsel for the Respondent, could not complete his arguments on 'merits'. Accordingly, the hearing of these petitions was adjourned.

4. The learned counsel for the Respondent AP Discoms (in Petition No.61/MP/2021) adopted the submissions made by the learned counsel for the Respondent AP discoms, in other petitions. He, however, sought time to file its reply to the amended petition filed by the Petitioner.

5. The Commission, directed the Petitioner to file the following additional information (in each petition), after serving copy to Respondents, on or before **5.8.2022**:

(a) Details of the month-wise bills (energy bills & transmission charges) claimed by the Petitioner, the deductions/payments made by the Respondents, and the outstanding amounts payable by Respondents;

6. The Respondents shall furnish the reasons for such deductions/reversals (if any), made in respect of the energy bills & transmission charges raised by the Petitioner, along with reasons for non-payment of the total outstanding dues, by **17.8.2022**, with copy to the Petitioner, who may file its rejoinder, in these matters, on or before **24.8.2022**. The parties are directed to complete the pleadings in the matter within the due dates mentioned and no extension of time shall be granted for any reason.

7. The matter remains Part-heard. The Respondents, AP Discoms shall commence their arguments during the next date of hearing.



8. The Petitions shall be listed for hearing in due course for which separate notice will be issued to the parties.

By order of the Commission

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

