

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Diary (Petition) No. 430/2022 & Diary (IA) No. 441/2022**

- Subject : Petition under Section 79(1)(b) & (f) of the Electricity Act, 2003 read with the provisions of the Power Purchase Agreement dated 22.4.2007 between the parties.
- Date of Hearing : 20.10.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : The Tata Power Company Limited (TPCL)
- Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and 6 Ors.
- Parties Present : Shri Sajjan Poovayya, Sr. Advocate, TPCL  
Shri Venkatesh, Advocate, TPCL  
Shri Jayant Bajaj, Advocate, TPCL  
Shri Ashutosh Srivastava, Advocate, TPCL  
Shri Kartikey Trivedi, Advocate, TPCL  
Shri M. G. Ramachandran, Sr. Advocate, GUVNL  
Ms. Srishti Khindaria, Advocate, GUVNL  
Ms. Poorva Saigal, Advocate, HPPC & PSPCL  
Shri Shubham Arya, Advocate, HPPC & PSPCL  
Shri Ravi Nair, Advocate, HPPC & PSPCL  
Ms. Reeha Singh, Advocate, HPPC & PSPCL

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking a declaration that TPTCL has been affected by the event of force majeure during the period of April, 2021 to March, 2022 and consequently, no penalty, in terms of the Clause 1.2.5 of Schedule 7 of the Power Purchase Agreement is due or payable to the beneficiaries/ Respondents for non-performance of TPTCL's obligation to the extent the same is on account of the said force majeure events.

2. After hearing the learned senior counsel for the Petitioner, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and Respondents to file their reply to the Petition, if any, within two weeks after serving copy of the same to the Petitioner, who may file its rejoinder, on or before two weeks thereafter.



(c) The Petitioner to file the following information on affidavit within two weeks:

(i) Month-wise total declared capacity, declared capacity for each beneficiary, energy generated and energy supplied to each beneficiary from the period between 1.4.2021 to 31.3.2022.

(ii) Month-wise quantity of coal stock availability, average GCV, quantity of coal procured and quantity of coal consumed during the period from 1.4.2021 to 31.3.2022.

(iii) Month-wise energy sold in exchange and revenue generated thereof during the period from 1.4.2021 to 31.3.2022.

(c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 8.12.2022 at 2.30 P.M.

**By order of the Commission  
sd/-**

**(T.D. Pant)  
Joint Chief (Law)**