

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 289/MP/2022

Coram:

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

Date of Order: 11th November, 2022

In the matter of

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.

And

In the matter of

Tata Power Company Limited,
B12/13 Shatabdi Bhavan, Amaltash Marg,
Sector 4, Noida-201301, Uttar Pradesh.

..Petitioner

Vs.

1. Gujarat Urja Vikas Nigam Limited,
Commerce Department, 2nd Floor,
Sardar Patel Vidyut Bhavan, Race Course,
Vadodara- 390007, Gujarat

2. Maharashtra State Electricity Distribution Company Limited,
Prakashgad, Plot No G-9, A K Marg,
Bandra (East), Mumbai- 400051,
Maharashtra

3. Ajmer Vidyut Vitran Nigam Limited
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer-305004, Rajasthan,

4. Jaipur Vidyut Vitran Nigam Limited
Vidyut Bhawan, Janpath, Jyoti Nagar,
Jaipur-302005, Rajasthan

5. Jodhpur Vidyut Vitran Nigam Limited
New Power House, Industrial Area,
Jodhpur-342003,
Rajasthan.

6. Punjab State Power Corporation Limited,
Dy. CE/ISB, Shed T-1A, Shakti Vihar

PSPCL, Patiala-147001, Punjab.

7. Haryana Power Purchase Centre
2nd floor, Shakti Bhawan, Sector-6
Panchkula-134108, Haryana.

...Respondents

Parties present:

Shri Venkatesh, Advocate, TPCL

ORDER

The Petitioner, Tata Power Company Limited (TPCL), has filed the present Petition, *inter-alia*, seeking a declaration that TPCL 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 TPCL's obligation to the extent the same is on account of the said force majeure events. The Petitioner has made the following prayers:

“(a) Admit the present Petition;

(b) Declare events described in para 13 as force majeure events in terms of the PPA for the period of April 2021 to March 2022; and/or

(c) Declare that no penalty under Clause 1.2.5 of Schedule 7 of the PPA is due or payable by the Petitioner to any of the Respondents; and/or

(d) Direct the Respondents to refund any penalty paid by TPCL/ deducted by the Respondents, under Clause 1.2.5 of Schedule 7 of the PPA for the period April 2021 to March 2022; and/or

(e) Pass any such order(s)/direction(s) which this Commission may deem fit and proper in light of the facts and circumstances of the present case.”

2. The matter was mentioned by the learned counsel for the Petitioner on 9.11.2022 and submitted that the parties are trying to resolve the issues projected in the instant Petition amongst themselves. Accordingly, the learned counsel for the Petitioner sought permission to withdraw the present Petition.

3. In view of the submission of the learned counsel, the Petitioner is permitted to withdraw this Petition.

4. Accordingly, the Petition No. 289/MP/2022 is disposed of as withdrawn.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S.Jha)
Member**