

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 114/MP/2019
(On remand)**

- Subject** : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 for adjudication of disputes arising out of Power Purchase Agreement dated 27.11.2013 executed between the Petitioners and the Respondent.
- Date of Hearing** : 10.8.2023
- Coram** : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioners** : 1. GMR Energy Trading Limited
2. GMR Warora Energy Limited
- Respondent** : Tamil Nadu Generation and Distribution Corporation Limited
- Parties present** : Shri Vishrov Mukerjee, Advocate, GETL, GWEL
Shri Yashaswi Kant, Advocate, GETL, GWEL
Ms. Priyanka Vyas, Advocate, GETL, GWEL

Record of Proceedings

The Commission, vide order dated 4.2.2022 in Petition No. 114/MP/2019, held that TANGEDCO is liable to pay the capacity charges as per schedule 4 of the PPA corresponding to the contracted capacity of 150 MW or declared capacity, whichever is lower, for the period from November 2015 to March 2016, irrespective of grid constraint, and is also liable to pay a late payment surcharge for the unpaid amount in terms of Article 8.3.5 of the PPA.

2. TANGEDCO filed Appeal No. 333/2022 before the APTEL against the order dated 4.2.2022. APTEL, vide judgment dated 7.10.2022 has set aside the order dated 4.2.2022 in Petition No.144/MP/2022, and remanded the matter to the Commission with a direction to consider the matter afresh and grant relief to TANGEDCO as per clause 3.9.1 read with clause 9.7.1 of the PPA.

3. On the request of the parties, the Commission permitted the Petitioners and TANGEDCO to make their submissions on affidavit by 30.8.2023, with a copy to the other party.



4. Subject to the above, the Commission reserved its order in the matter.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

