

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.167/MP/2023

Subject : Petition under Section 79(1)(f) of Electricity Act, 2003 read with Hydro Power Purchase Agreement dated 17.05.2021 and its Supplementary Agreement dated 8.10.2021 seeking, *inter-alia*, declaration that invocation of Bank Guarantee No.8143011 G006521 dated 10.6.2021 amounting to Rs. 39.75 Crores (BG) by the Respondents by way of impugned Letter No. 944/UMPPI/400MW Hydro dated 03.12.2022 is illegal, arbitrary and void ab-initio and for direction against the Respondents for refund of t 39.75 Crores along with interest @11.75% p.a. from 5.12.2022, i.e., date of invocation of Bank Guarantee, till actual payment thereof to the Petitioner.

Petitioner : Sikkim Urja Limited (SUL)

Respondents : Uttar Pradesh Power Co. Ltd. (UPPCL) and 4 Ors.

Petition No.267/MP/2023

Subject : Petition under Section 79 of Electricity Act, 2003, including Sections 79(1)(b), 79(1)(c) and 79(1)(f) read with Article 18.1 of the Power Purchase Agreement dated 17.5.2021 executed between the Petitioners and the Respondent No.1, Sikkim Urja Limited seeking direction to Sikkim Urja Limited to pay compensation/ consequential losses and damages on account of non-supply of power from May, 2022 till date.

Petitioner : Uttar Pradesh Power Corporation Limited and 4 Ors.

Respondents : Sikkim Urja Limited and Anr.

Petition No.258/MP/2023

Subject : Petition under Section 79 of Electricity Act, 2003, including Sections 79(1)(b), 79(1)(c) and 79(1)(f) read with Article 18.1 of the Power Purchase Agreement dated 17.5.2021 executed between the Petitioners and the Respondent No.1, Sikkim Urja Limited seeking setting aside of the letter dated 26.4.2023 issued by the Respondent No.1 purportedly under Clause 19.2 of the Power Purchase Agreement illegally terminating the agreement.

Petitioner : Uttar Pradesh Power Corporation Limited and 4 Ors.

Respondents : Sikkim Urja Limited and Anr.

Petition No.53/MP/2023 along with IA No. 11/2023

Subject : Petition under Section 79 of Electricity Act, 2003, including Sections 79(1)(b) and 79(1)(f) read with the provisions of Power



Purchase Agreement dated 17.05.2021 executed between the Petitioners and the Respondent No. 1, Teesta Urja Limited seeking setting aside of the letter dated 30.01.2023 issued by Respondent No. 1 purportedly under Clause 19.2 of the Power Purchase Agreement conveying its intention to terminate the aforesaid agreement and its consequential actions thereof.

Petitioner : Utter Pradesh Power Corporation Limited and 4 Ors.

Respondents : Sikkim Urja Limited and Anr.

Date of Hearing : **18.12.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Sitesh Mukherjee, Advocate, UPPCL
Shri Vidhan Vyas, Advocate, SUL
Shri Gajendra Sinh, Advocate, NLDC
Shri Jaideep Lakhtakia, SUL

Record of Proceedings

At the outset, learned proxy counsel for the Petitioner, UPPCL submitted that the pleadings in Petition Nos.258/MP/2023 and 267/MP/2023 are yet to be completed and the parties may be permitted to complete the pleadings in these matters and all the matters may be taken-up for the hearing thereafter.

2. Learned counsel for Sikkim Urja Limited (SUL), however, submitted that Petition No.53/MP/2023, wherein UPPCL has sought to set aside SUL's letter dated 30.01.2023 conveying its intention to terminate the Power Purchase Agreement dated 17.5.2021 has become infructuous as subsequently, not only a termination notice has been issued but the PPA also stands terminated and UPPCL has moved the separate Petitions challenging these events. In response, learned counsel for UPPCL submitted that SUL may file its submissions to the above effect, if any, and UPPCL will file its response thereof.

3. Considering the submissions made by the learned counsel for the parties, the Commission ordered as under:

(a) Admit and issue notices in Petition Nos. 258/MP/2023 and 267/MP/2023.

(b) The Respondents, in these matters, may file their replies, if any, within six weeks with a copy to the Petitioners, who may file their rejoinder(s), within six weeks thereafter.

(c) In Petition Nos.167/MP/2023 and 53/MP/2023 also, the Respondents may file their additional submissions, if any, within four weeks with a copy to the Petitioners therein, who may file their responses, if any, within four weeks thereafter.

4. These matters will be listed for the hearing on **19.4.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)