

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.204/MP/2022**

Subject : Petition under Section 79(1) (f) of the Electricity Act, 2003 for adjudication of disputes between the Petitioners and the Respondent under the Agreement for Procurement of Power under Pilot Scheme-II dated 28.10.2021 entered between the Petitioner No.1 and the Respondent and the back-to-back Power Supply Agreement under the Pilot Scheme-II dated 22.10.2021 entered between the Petitioner No.1 and the Petitioner No.2.

Date of Hearing : 22.2.2023

Coram : Shri I. S. Jha, Member  
Shri P. K. Singh, Member

Petitioners : PTC India Limited (PTCIL) and Anr.

Respondent : MB Power (Madhya Pradesh) Limited (MBPMPL)

Parties Present : Shri Dev Hans, Advocate, PTCIL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Ms. Aakanksha Bhola, Advocate, TANGEDCO  
Shri Dhruv Tripathi, PTCIL  
Shri Amit Kapur, Advocate, MBPMPL  
Shri Akshat Jain, Advocate, MBPMPL  
Ms. Shefali Tripathi, Advocate, MBPMPL

**Record of Proceedings**

At the outset, learned counsel for the Petitioner No.1, PTCIL prayed for an adjournment due to non-availability of the arguing counsel.

2. Learned counsel for the Respondent, MBPMPL, however, submitted that the Respondent has moved an IA seeking dismissal of the Petition due to subsequent development. Learned counsel submitted that the Hon'ble High Court of Delhi vide order dated 29.4.2022 in a Suit being CS (COMM) 282 of 2022 has granted the interim protection to the Respondent by restraining PTC from invoking and/or encashing the Performance Security submitted by it. Learned counsel submitted that Hon'ble High Court of Delhi vide order dated 13.1.2023 in IA No. 7249/2022 filed by PTCIL therein seeking the rejection on the suit on the ground that disputes therein are covered under the Electricity Act, 2003 ('the Act') has dismissed the said IA and has held that the Commission does not have jurisdiction over the subject matter of the Suit since termination of the PPA is not relatable to the provisions of Section 79(1)(b) or 79(1)(f) of the Act.

3. Learned proxy counsel submitted that the abovementioned suit before the Hon'ble High Court pertained to the Performance Bank Guarantee. Learned proxy counsel further sought liberty to file the rejoinder in the matter.

4. In view of the request made by the learned proxy counsel for the Petitioner, PTCIL, the Commission adjourned the matter. The Commission also permitted PTCIL to file its rejoinder, if any, within two weeks.

5. The Petition along with IA filed by MBPMPL shall be listed for hearing on 11.5.2023.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**