

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 205/MP/2023

Subject : Petition under Section 79 of the Electricity Act, 2003, along with Regulation 111-113 of the CERC Conduct of Business Regulations 1999 inter alia seeking appropriate directions against GUVNL and Rajasthan Discoms/RUVNL towards the wrongful and unsustainable demand towards contract year penalty for availability below 75% (DC penalty) for the contract year 2022-2023.

Petitioner : Tata Power Company Ltd.

Respondents : GUVNL & Ors.

Date of Hearing : **23.8.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Sanjay Sen, Senior Advocate, TPCL
Shri Shreshth Sharma, Advocate, TPCL
Shri Neel Rahate, Advocate, TPCL
Shri Manpreet Singh, Advocate, TPCL
Ms. Mandakani Ghosh, Advocate, TPCL
Shri M.G. Ramachandran, Senior Advocate, GUVNL
Shri Anand K. Ganesan, Advocate, GUVNL
Shri Amal Nair, Advocate, RUVNL
Ms. Shivani Verma, Advocate, RUVNL

Record of Proceedings

During the hearing, the learned Senior counsel for the Petitioner submitted that the present petition is with regard to the wrongful methodology adopted by the Respondents (GUVNL and RUVNL), by which, the availability declared during the period covered by Section 11 directions of MOP, GOI dated 5.5.2022, has been excluded, for the computation of DC penalty and Cumulative availability under the PPA. Accordingly, the learned Senior counsel made oral submissions and also prayed that these Respondents may be directed not to make any deductions, in future, from the monthly bills raised by the Petitioner.

2. The learned Senior counsel for Respondent, GUVNL referred to the clarificatory letter of MOP, GOI dated 7.6.2022 and submitted that no penalty is imposed by the procurers, if the plant is available, in terms of the Section 11 directions of MOP, GOI dated 5.5.2022, as per the normative availability mentioned in the PPA. He also clarified that no deduction has been made by the Respondent GUVNL, for the period covered under Section 11 of the Electricity Act, 2003. The learned counsel, however, sought time to file a reply in the matter.



3. The Commission, after hearing the learned counsels for the parties, directed as under:

- (a) Admit and issue notice to the Respondents;
- (b) The Respondents are permitted to file their replies, on or before **20.9.2023**, after serving a copy on the Petitioner, who may, file its rejoinder, if any, by **16.10.2023**. The parties shall complete their pleadings within the due dates mentioned and no extension of time shall be granted.

4. The Petition shall be listed for hearing on **8.11.2023**.

By order of the Commission

Sd/-

(B. Sreekumar)
Joint Chief (Law)

