

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 212/MP/2023

- Subject : Petition under Section 11 and Section 79 of the Electricity Act 2003 seeking directions to Kerala State Electricity Board Limited to make payment towards the cost of imported coal used by Jindal India Thermal Power Limited for generation and supply of power to KSEBL in compliance of Ministry of Power statutory directions dated 26.05.2022 issued under Section 11 of the Electricity Act and Clarification dated 21.03.2023.
- Date of Hearing : **11.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Jindal India Thermal Power Ltd (JITPL)
- Respondents : Kerala State Electricity Board Ltd. (KSEBL) & Ors.
- Parties Present : Shri Vishrov Mukerjee, Advocate, JITPL
Shri Pratyush Singh, Advocate, JITPL
Ms. Anamika Rana, Advocate, JITPL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL
Shri Dhruv Tripathi, PTCIL

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* seeking directions upon the Respondent No.1, Kerala State Electricity Board Limited (KSEBL), to make payment towards the cost of imported coal used by the Petitioner for generation and supply of power to KSEBL in compliance with the Ministry of Power's (MoP) statutory directions dated 26.5.2022 issued under Section 11 of the Act and read with the clarification dated 21.3.2023. The learned counsel further submitted that after the filing of the Petition, the Respondent, KSEBL has admitted its liability for payment towards the cost of imported coal used by the Petitioner for the supply and has also made the payment to the tune of Rs. 9.11 crore. However, the amount of Rs. 1.4 crore is yet to be paid by the Respondent owing to certain differences between the parties on the computation methodology as issued by the Ministry of Power. The learned counsel, accordingly, sought liberty to file an affidavit to bring on record the above developments, including the letter(s) issued by the Respondent, KSEBL. The learned counsel further submitted that the remaining outstanding issue between the parties i.e. appropriate computation methodology, is squarely covered under the prayers made by the Petitioner, particularly, prayer (f), in the present Petition.

2. In response to the Commission's observation that the subsequent developments may alter the basic grounds and/or prayers made in the present Petition, learned counsel sought the liberty to file an appropriate application to amend the Petition to the above effect and prayed for adjournment in the matter.

3. Considering the above request, the Commission adjourned the matter and permitted the Petitioner to file an appropriate application seeking amendment to the Petition in view of the subsequent developments within two weeks.

4. The Commission directed the Petitioner to file the following information on an affidavit within three weeks:

(a) Month-wise landed cost of domestic coal procured from February, 2023 to April, 2023.

(b) The total cost of 1.05 lakh MT imported coal procured through Coal India Limited.

(c) The formulae and various parameters considered in arriving at compensation claimed for the period from February, 2023 to April, 2023, along with detailed computation (excel soft with formulae and links).

(d) The reasons for consuming the imported coal in three months i.e. February, 2023 to April, 2023 rather than staggered manner i.e. 6 months or one year.

(e) Month-wise, from February, 2023 to April, 2023, total energy generated, energy supplied to the KSEBL and energy supplied to other beneficiaries.

(f) Month-wise, from February, 2023 to April, 2023, the compensation claimed and realized from the other beneficiaries.

5. The Petition along with IA to be filed by the Petitioner will be listed for the hearing on 'admission' on **25.10.2023**.

By order of the Commission

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