

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 230/MP/2022

Subject : Petition under Section 79(1)(f) of the Electricity Act,2003 in relation to non-payment of fixed charges by truing annualized threshold PLF of 55% as per the tariff determined by the State Commission to M/s E.I.D. Parry (India) Ltd. under Power Purchase Agreement.

Petitioner : M/s E.I.D. Parry (India) Ltd

Respondents : APTRANSCO & 7 ors

Date of Hearing : **17.1.2023**

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

Parties Present : Mr. Manu Seshadri, Advocate, E.I.DPL
Mr. Aveak Ganguly, Advocate, E.I.DPL
Mr. Abhijit Lal, Advocate, E.I.D. PL
Ms. Pallavi Anand, Advocate, E.I.DPL
Mr. D. Abhinav Rao, Advocate, TCAPL
Mr. Sidhant Kumar, Advocate, AP Discoms
Ms. Manya Chandok, Advocate, AP Discoms
Mr. Gurpreet Singh Bagga, Advocate, AP Discoms
Mr. Shivankar Rao, Advocate, AP Discoms

Record of Proceedings

The Petition was called out for virtual hearing.

2. During the hearing, learned counsel for the Petitioner, submitted that it has prayed for the disbursement of Rs. 4.28 crore towards annual truing up of fixed cost by the Respondent Andhra Pradesh discoms. He also submitted that Respondent have been computing PLF on monthly basis, instead of annual basis, contrary to the terms of PPA and Respondent's own submission before the State Commission and APTEL. The learned counsel further submitted that despite the categorical admission by the Respondent, AP Discoms, no truing up of fixed cost has been done for the years 2004-05 to 2006-07 and 2009-10, thereby, resulting in the non-payment of the aforesaid amount. Accordingly, learned counsel prayed that Respondent, AP Discoms may be directed to pay the said amount at the earliest.



3. The learned counsel for Respondent, AP Discoms prayed for a week's time to file reply, after seeking necessary instructions. This was opposed by the learned counsel for the Petitioner, pointing out that it has sought calculation of the amounts, in terms of the issues already settled by APTEL.
4. At the outset, the learned counsel for Respondent, Telangana Discoms submitted that they are not a necessary party to the case. He, however, sought permission of the Commission, to file reply, in course of the day.
5. After hearing the parties, the Commission permitted the Respondents, AP Discoms and the Telangana Discoms to file their replies, on or before **30.1.2023**, after serving copy to the Petitioner, who may file its rejoinder, if any, by **7.2.2023**. The parties shall ensure the completion of submissions within the due dates mentioned and no extension of time shall be granted for any reason.
6. Subject to the above, orders in these petitions was reserved.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

