

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.237/MP/2023**

- Subject : Petition under Section 79(1)(b) read with 79(1)(f) of the Electricity Act, 2003 for recovery of – Late Payment Surcharge under the Power Purchase Agreement dated 01.11.2013 (for non-payment as also belated payment of capacity charges) and carrying cost.
- Petitioner : DB Power Limited (DBPL)
- Respondents : Rajasthan Urja Vikas Nigam Limited and 4 Ors.
- Date of Hearing : **13.12.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present : Shri Deepak Khurana, Advocate, DBPL  
Shri Vineet Tayal, Advocate, DBPL  
Ms. Nishtha Wadhwa, Advocate, DBPL  
Ms. Swapna Seshadri, Advocate, Rajasthan Discoms  
Ms. Kritika Khanna, Advocate, Rajasthan Discoms

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking recovery of the Late Payment Surcharge (LPS) as per the back-to-back Power Purchase Agreement dated 1.11.2023 entered into between the Petitioner and Respondent No.5, PTC India Limited – pursuant to a Power Purchase Agreement dated 1.11.2023 entered into between the Respondent No.5 and the Respondent Nos. 2 to 5, Rajasthan Discoms and further in terms of liberty granted by the Commission vide order dated 13.6.2023 in Petition No.55/MP/2021 along with recovery of carrying cost.

2. Learned counsel for Respondent Nos. 1 to 5 accepted the notice and objected to the maintainability of the Petition. Learned counsel also submitted by order dated 13.6.2023 in Petition No.55/MP/2021, the Commission granted the Petitioner to approach the Commission for a grant of LPS for delayed payment by Respondents “in accordance with law” and hence, the Respondents are entitled to raise all just objections to the maintainability of the Petition as available under the law.

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

(a) Issue notice on the maintainability as well as on merits.

(b) The Respondents to file their reply on maintainability as well as on merits, if any, within four weeks with a copy to the Petitioner, who may file its rejoinder, if any, within four weeks thereafter.

4. The Petition will be listed for the hearing on maintainability as well as on merits on **19.4.2024**.

**By order of the Commission**

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