

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.264/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for execution of order dated 15.8.2020 passed in Petition No. 158/MP//2019; and initiation of proceedings/ appropriate action under Section 142 read with Section 149 of the Electricity Act, 2003 and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 against the Respondents for non-compliance of the order dated 15.8.2020 passed by the Commission in Petition No. 158/MP/2019.

Date of Hearing : 19.7.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Adhunik Power and Natural Resources Limited (APNRL)

Respondents : PTC India Limited (PTCIL) and Anr.

Parties Present : Shri Deepak Khurana, Advocate, APNRL
Shri Abhishek Bansal, Advocate, APNRL
Shri Amit Griwan, APNRL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL
Shri Dhruv Tripathi, PTCIL
Ms. Anushka Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO

Record of Proceedings

At the outset, learned counsel for the Respondent No.1, PTCIL submitted that, vide Record of Proceeding for the hearing dated 31.5.2023, the Commission has re-listed the matter after reserving it for the order earlier on the basis of the liberty sought by the Petitioner to file an affidavit to point out an incorrect statement by PTCIL in its affidavit dated 16.5.2023. Learned counsel submitted that the Petitioner has already filed its affidavit, and after examining the same, PTCIL will file its clarificatory affidavit in the matter.

2. Learned counsel for the Respondent, TANGEDCO sought liberty to file a brief submission on a chart indicating the details of invoices/payments as furnished by the Respondent, PTCIL. Learned counsel for the Petitioner, however, pointed out that, vide Record of Proceedings for the hearing dated 21.3.2023, the Commission had already permitted TANGEDCO to furnish the details of communication exchanged between TANGEDCO and PTCIL. However, TANGEDCO did not file any response within the stipulated period.

3. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Respondents, PTCIL and TANGEDCO to file their respective affidavits, if any, within two weeks with a copy to the Petitioner, who may file its response thereon, if any, within two weeks thereafter.

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

(a) Day-wise deemed DC considered for TANGEDCO in the computation of capacity charges during the period from 1.12.2018 to 28.2.2019.

(b) Reasons for the availability declared on a few days such as 15.1.2019, 16.1.2019, 17.1.2019, etc., despite both units of the generating station being under shutdown on these days.

(c) Reason for the difference in availability declared with that of the RLDC website, if any.

(d) The information exchanged with the Respondent, PTC, particularly, clarification provided, along with the supporting documents, regarding the return of supplementary Bills for a total amount of Rs. 21.87 crore raised on 5.3.2019 for the months of December, 2018, January, 2019, and February, 2019 and the bill raised on 2.3.2019 for the month of February, 2019.

(e) The total amount received from PTC / TANGEDCO, out of the bills raised for Rs. 63.37 crore.

5. The Commission further directed the Respondents, TANGEDCO and PTC, to furnish on an affidavit within three weeks the action taken to resolve the disputed amount of Rs. 6.71 crore, out of the total amount of Rs. 42.28 crore raised by PTC against TANGEDCO, and the payment status thereof.

6. The Commission directed the Respondent, PTC, to submit on an affidavit within three weeks the details regarding the payments made to the Petitioner against the verified bills for an amount of Rs. 42.28 crore and the reasons for the balance dues, if any.

7. The Commission directed the Petitioner, APRNL and the Respondents, PTC and TANGEDCO to file the following information pertaining to the period from December, 2018 to February, 2019 prior and post to the order dated 15.8.2020 in Petition No. 158/MP/2019 on an affidavit within three weeks with copy to the each other:

	(in Rs.)		
	December, 2018	January, 2019	February, 2019
Bills raised by APNRL prior to order dated 15.8.2020			
Bills raised by APNRL post to order dated 15.8.2020			
Bills verified by PTC prior to order dated 15.8.2020			
Bills verified by PTC post to order dated 15.8.2020			
Bills raised by PTC prior to order dated 15.8.2020			
Bills raised by PTC post to order dated 15.8.2020			
Amount paid by TANGEDCO prior to order dated 15.8.2020			
Amount paid by TANGEDCO post to order dated 15.8.2020			

8. The Petition shall be listed for hearing on **20.10.2023**.

By order of the Commission

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