

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

IA No. 78/2023

In Petition No. 308/MP/2023

Subject : Interlocutory application for interim relief in Petition under Section 79 (1) (f) of the Electricity Act, 2003 for quashing and set-aside the Invoice No. 1624 dated 14.7.2023, Invoice no. 1626 dated 14.7.2023, Invoice no.1741 dated 31.7.2023 and Invoice no.1743 dated 31.7.2023 issued by the Respondent no. 1 (DVC) wherein the Respondent is seeking payment of differential annual fixed charges.

Petitioner : MPPMCL

Respondent : DVC

Petition No. 100/MP/2021

Subject : Petition under Section 142 of the Electricity Act, 2003 read with Regulations 111, 113 and 119 of the CERC (Conduct of Business Regulations), 1999 for execution of Order dated 13.1.2020 and directions and initiation of appropriate action against the Respondent for non-compliance of the directions issued under Order dated 13.1.2020 in Petition No.78/MP/2018.

Petition No. 102/MP/2021

Subject : Petition under Section 142 of the Electricity Act, 2003 read with Regulations 111, 113 and 119 of the CERC (Conduct of Business Regulations), 1999 for execution of Order dated 10.1.2020 and directions and initiation of appropriate action against the Respondent for non-compliance of the directions issued under Order dated 10.1.2020 in Petition No.236/MP/2017.

Petitioner : DVC

Respondent : MPPMCL

Date of Hearing : **9.11.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Ashish Anand Bernard, Advocate, MPPMCL
Shri Rajiv Shankar Dvivedi, Advocate, MPPMCL
Shri Paramhans Sahni, Advocate, MPPMCL
Shri R.K. Thukral, MPPMCL
Shri M.G. Ramachandran, Senior Advocate, DVC



Ms. Anushree Bardhan, Advocate, DVC
 Ms. Surbhi Kapoor, Advocate, DVC
 Ms. Srishti Khindaria, Advocate, DVC
 Shri Aneesh Bajaj, Advocate, DVC
 Ms. Shirsha Saraswati, Advocate, DVC

Record of Proceedings

Petition No. 308/MP/2023 with IA No. 78/2023

At the outset, the learned counsel for the Petitioner submitted that in order to pursue the settlement talks with the Respondent, the hearing of the Petition may be adjourned. This was not opposed by the Senior counsel for the Respondent.

2. The Commission, after permitting the parties to undertake settlement talks, adjourned the hearing of the petitions.
3. Meanwhile, the Petitioner and the Respondent, are directed to file the following additional information, after serving copy to each other, on or before **1.12.2023**:

MPPMCL

- (a) Details regarding the dues pending for the period:
 - (i) prior to 1.3.2018 and after 18.9.2020 w.r.t. CTPS 7 & 8.
 - (ii) prior to 14.7.2017 and after 18.9.2020 w.r.t. DSTPS 1 & 2.

DVC

- (b) Day wise, from 14.7.2017 to 18.9.2020, total availability declared for the DSTPS 1 & 2, availability attributed to petitioner, MPPMCL, the availability associated with long-term and medium-term beneficiaries, energy scheduled by SLDC, energy generated, energy supplied to long term and medium-term beneficiaries, energy sold in short term, revenue realized on the sale of energy in short term etc., in the following format:

Date	Installed Capacity	DC	Availability associated with Respondent	Availability associated with other Long-term Beneficiaries and MTOA Beneficiaries	Availability declared for Short-term beneficiaries	Total Energy scheduled by RLDC	Actual Energy Generated	Actual Energy supplied to long-term and medium-term beneficiaries	Actual Energy Supplied		Money received for energy sold in exchange
									DAM + TAM	Bilateral	

- (b) Energy availed by DVC as a DISCOM out of availability associated with MPPMCL of DSTPS 1 & 2 during the subject period and energy charge considered thereof for such energy.
- (c) Reasons for computing gain on the normative basis as Rs. 65.29 Cr w.r.t. DSTPS 1



& 2 rather than furnishing actual energy sold in the short term and actual revenue gained. Further, it shall furnish auditor-certified month-wise actual energy supplied in the short term and revenue realized thereof during the subject period.

- (d) Day wise, from 1.3.2018 to 18.9.2020, total availability declared for the CTPS 7 & 8, availability attributed to petitioner, MPPMCL, the availability associated with long-term and medium-term beneficiaries, energy scheduled by SLDC, energy generated, energy supplied to long term and medium-term beneficiaries, energy sold in short term, revenue realized on the sale of energy in short term etc, in the following format:

Date	Installed Capacity	DC	Availability associated with Respondent	Availability associated with other Long-term Beneficiaries and MTOA Beneficiaries	Availability declared for Short-term beneficiaries	Total Energy scheduled by RLDC	Actual Energy Generated	Actual Energy supplied to long-term and medium-term beneficiaries	Actual Energy Supplied		Money received for energy sold in exchange
									DAM + TAM	Bilateral	

- (e) Energy availed by DVC as a DISCOM out of the availability associated with MPPMCL of CTPS 7 & 8 during the subject period and energy charge considered thereof for such energy.
- (f) Reasons for computing gain on the normative basis as Rs. 432.89 Cr w.r.t. CTPS 7 & 8 rather than furnishing actual energy sold in the short term and actual revenue gained. Further, it shall furnish auditor-certified month-wise actual energy supplied in the short term and revenue realized thereof during the subject period.

4. At the request of the learned counsel for the parties, these petitions will be listed for hearing on **5.12.2023 (3.00 pm)**.

By order of the Commission

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

