

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.338/AT/2023**

- Subject : Petition under Section 63 read with Section 79 of the Electricity Act, 2003 for adoption of tariff of thermal generating stations selected through competitive bidding process conducted by PFC Consulting Ltd. under Ministry of Power's Guidelines for procurement of power on Finance, Own and Operate basis issued under Para B(v) of the SHAKTI Policy, 2017.
- Date of Hearing : **28.11.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioners : Jindal India Thermal Power Ltd. (JITPL) and 4 Ors.
- Respondents : PFC Consulting Limited (PFCCL) and 4 Ors.
- Parties Present : Shri Vishrov Mukherjee, Advocate, JITPL  
Shri Pratyush Singh, Advocate, JITPL  
Shri Raghav Malhotra, Advocate, JITPL  
Shri Gyan Prakash, TRN  
Shri Ravi Sharma, Advocate, MPPMCL  
Shri Anubhav Kansal, PFCCL  
Shri Prashant Saha, PFCCL  
Shri Neeraj Singh, PFCCL

**Record of Proceedings**

Learned counsel for the Petitioners submitted that the present Petition has been filed seeking adoption of tariff of the Petitioners/Successful Bidders selected through competitive bidding process conducted by the Respondent No.1, PFCCL in terms of the Request for Selection dated 15.5.2023 issued by it under the Ministry of Power's Guidelines dated 20.10.2022 for the procurement of power on Finance, Own and Operate (FOO) basis under Para B(v) of SHAKTI Policy, 2017 ('the Guidelines'). Learned counsel further submitted that keeping in view that power from the generating stations of each Successful Bidders/Petitioners will be supplied to various States on a proportionate basis, this Commission is the Appropriate Commission, having the jurisdiction for adoption of tariff under Section 63 of the Electricity Act, 2003. Learned counsel pointed out that the generating stations of the Petitioners, in any case, already have a composite scheme of the generation and supply of electricity in more than one State in view of their existing arrangements of supply of power. Learned counsel added that while the Guidelines, as such, do not provide as to who is required to approach the Commission for adoption of tariff, the Successful Bidders/Petitioners have approached the Commission seeking adoption of tariff in view of the clarification provided by PFCCL to this extent.

2. The Representative of Respondent, PFCCL submitted that based on the representation of the Discoms and the generators regarding the adoption of tariff, a

discussion was held with the Ministry of Power, Government of India and it was clarified that the Successful Bidders would file an appropriate application for adoption of tariff before the Appropriate Commission. The representative added that certain Discoms, namely, HPPC and MPPMCL have already approached the respective State Commission, *inter alia*, seeking approval of the procurement of power under the Guidelines, and HPPC has, in fact, also entered into the Power Purchase Agreements with the Successful Bidder(s).

3. Learned counsel for the Respondent, MPPMCL submitted that the Madhya Pradesh Electricity Regulatory Commission has already approved the procurement of power by MPPMCL under the Guidelines subject to the adoption of tariff by this Commission.

4. Considering the submissions made by the learned counsel and representative of the parties, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Respondents may file their reply to the Petition, if any, within a week with a copy to the Petitioners, who may file their rejoinders, within a week thereafter.

(c) The Nodal Agency, PFCCL, to file the following details on affidavit within 10 days:

(i) All bid related documents, including RfS & PPAs along with subsequent amendments thereto, and reports of Evaluation Committee, etc.

(ii) Confirmation to the effect that Bid Process was conducted in accordance with the provisions of the Guidelines.

(iii) Status of the PPAs and the timeline by which such PPAs will be executed.

(iv) Minutes of the Meeting held with the Ministry of Power with regard to the adoption of tariff as referred to.

(d) The Discoms, along with their reply, may also file the status of the approval of the procurement process by the respective State Commission under Section 86(1)(b) of the Act.

5. The Petition will be listed for hearing on **15.12.2023**.

**By order of the Commission**

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