

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 340/MP/2022

Subject : Petition under Section 79(1) (b) and Section 79(1) (f) of Electricity Act, 2003 read with Article 22.4 of Pilot Agreement for Procurement of Power dated 26.10.2018 executed between IL&FS Tamil Nadu Power Company Ltd. and PTC India Ltd. for recovery of (i) outstanding Monthly Invoices (ii) Delayed Payment Interest (iii) compensation for under-scheduling (iv) charges for minimum guaranteed off-take of 55% against the deemed full availability and (v) O&M Expenses and interest on debt.

Petitioner : IL&FS Tamil Nadu Power Company Limited (ITNPCL)

Respondents : PTC India Limited (PTCIL) and Anr.

Petition No. 341/MP/2022

Subject : Petition under Section 79, including 79(1) (b), 79 (1)(f) and 79 (1)(k) of the Electricity Act 2003, seeking payment of the outstanding amount in terms of the Power Purchase Agreement dated 12.12.2013 executed between the Petitioner and the Respondent, TANGEDCO.

Petitioner : IL&FS Tamil Nadu Power Company Limited (ITNPCL)

Respondent : TamilNadu Generation and Distribution Corp. Ltd. (TANGEDCO)

Date of Hearing : 16.3.2023

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

Parties Present : Shri Hemant Singh, Advocate, ITNPCL
Ms. Ankita Bafna, Advocate, ITNPCL
Ms. Sindhuja Rastogi, Advocate, ITNPCL
Ms. Anusha Nagrajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petitions have been filed, *inter-alia*, seeking appropriate directions upon the Respondents to release the outstanding dues to the Petitioner. Learned counsel submitted that while the Petition No.340/MP/2022 pertains to the outstanding dues under the Pilot Agreement for Procurement of Power (PAPP) dated 26.10.2018 (medium-term



agreement) executed between the Petitioner and PTCIL, Petition No. 341/MP/2022 pertains to the outstanding dues under the Power Purchase Agreement (PPA) dated 12.12.2013 (long-term agreement) executed between the Petitioner and TANGEDCO.

2. In response to the specific query of the Commission regarding existence of composite scheme *qua* generating station of the Petitioner, learned counsel for the Petitioner handed over a tabular details indicating the various contracts/arrangement of sale of power from the Petitioner's generating station and the Commission's order dated 31.5.2021 in Petition No. 380/MP/2018 (IL&FS Tamil Nadu Power Co. Ltd. v. TANGEDCO and Anr.). Learned counsel submitted that in order dated 31.5.2021, the Commission has already held that generating station of the Petitioner has a composite scheme of generation & supply in more than one State and this Commission has the jurisdiction in respect to the Petitioner's generating station. Learned counsel added that in the said order, the Commission has held that as long as a generating company has PPAs/any other arrangement for generation and sale of power in more than one State, jurisdiction of this Commission is attracted and furthermore, the Commission has acknowledged the Pilot Scheme – under which PAPP has been signed – by its nature is an inter-State scheme of generation and sale of power. Learned counsel sought liberty to file an additional affidavit on the issue of jurisdiction of the Commission in the present matters.

3. Learned counsel for the Respondent, TANGEDCO submitted that in the order dated 31.5.2021 in Petition No. 380/MP/2018, as relied upon by the Petitioner, the Commission had only rejected the contention of TANGEDCO that the Petitioner did not had any long-term/medium-term PPAs to constitute composite scheme. However, presently, the generating station of the Petitioner does not have arrangements of any kind for generation and sale of electricity in any State apart from the State of Tamil Nadu. Learned counsel for the Respondent, PTCIL submitted that jurisdiction of this Commission is attracted when there is generation and sale of electricity in more than one State.

4. After hearing the learned counsel for the parties, the Commission permitted the Petitioner to file its additional affidavit on the jurisdiction issue within two weeks with copy to the Respondents. The Respondents were directed to file their reply on the jurisdiction aspect, if any, within two weeks with copy to the Petitioner, who may file its rejoinder, within two weeks thereafter.

5. Subject to the above, the Commission reserved the order on issue of 'jurisdiction'/ 'admissibility' of the Petitions.

By order of the Commission

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