

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 360/MP/2022**

Subject : Petition seeking payment of Capacity Charges by the Respondent, in terms of the Declared Capacity, especially in terms of MOP directive dated 28.6.2019 and subsequent clarifications.

Petitioner : Coastal Energen Private Ltd.

Respondent : TANGEDCO

Date of Hearing : **21.3.2023**

Coram : Shri Jishnu Barua, Chairperson  
Shri I.S Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

Parties Present : Shri Hemant Singh, Advocate, CEPL  
Shri Chetan Garg, Advocate, CEPL  
Shri Alchi Thapliyal, Advocate, CEPL

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner submitted that the present petition has been filed seeking payment of the outstanding capacity charges for Rs. 282.63 crore along with carrying cost, by the Respondent, which had accrued under the PPA dated 19.12.2013 read with the MOP directive dated 28.6.2019 and subsequent clarifications.

2. On a specific query by the Commission with regard to the recovery of claims by the Petitioner, who is undergoing Corporate Insolvency Resolution Process, the learned counsel for the Petitioner clarified that there is no bar for the Petitioner to seek the recovery of past claims, due and payable by the Respondent. On a further query by the Commission, with regard to the jurisdiction of this Commission, the leaned counsel referred to the Commission's order dated 31.5.2021 in Petition No. 351/MP/2018 (CEPL v TANGEDCO & anr) and submitted that this Commission has the jurisdiction in the matter.

3. After hearing the learned counsel of the Petitioner, the Commission directed as under:

(a) Admit and issue notice;

(b) The Respondents shall file its reply both on jurisdiction and merits on or before **17.4.2023**, after serving copy on the Petitioner, who may, file its



rejoinder, if any, by **2.5.2023**. The parties shall complete pleadings within the due dates mentioned and no extension of time shall be granted.

4. The Petition shall be listed for hearing on **9.5.2023**.

**By order of the Commission**

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

