

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 53/MP/2023 along with I.A. No. 11/2023**

Subject : Petition under Section 79 of Electricity Act, 2003, including Sections 79(1)(b) and 79(1)(f) read with the provisions of Power Purchase Agreement dated 17.05.2021 executed between the Petitioners and the Respondent No. 1, Teesta Urja Limited seeking setting aside of the letter dated 30.01.2023 issued by Respondent No. 1 purportedly under Clause 19.2 of the Power Purchase Agreement conveying its intention to terminate the aforesaid agreement and its consequential actions thereof( Interlocutory application seeking ex-parte & ad-interim stay on the impugned Letter dated 30.1.2023 bearing Reference No. TUL/PS&R/0001/2021-22/028.

Date of hearing : 28.3.2023

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

Petitioner : Uttar Pradesh Power Corporation Limited & Ors.

Respondents : Teesta Urja Limited (TUL) & Anr.

Parties present : Shri Sitiesh Mukherjee, Advocate, UPPCL  
Shri Manuj Dadhich, Advocate, TUL  
Shri Vikash Jugran, Advocate, TUL  
Shri Jaideep Lakhtakia, Advocate, TUL  
Ms Swati Jindal, TUL

**Record of Proceedings**

Learned proxy counsel for the Respondent No. 1, Teesta Urja Limited (TUL) submitted that arguing counsel, Shri Sanjay Sen is not available today due to personal difficulty and requested for two weeks' time to file its response to the affidavit filed by the Petitioner, UPPCL.

2. Learned counsel for the Petitioner, UPPCL argued at length and referred various provisions of the PPA, namely, Article 11.9 (Billing and Payment), Article 13 (Default Escrow Account), Letter of Credit, Termination Notice dated 30.1.2023 under Clause 19.2 of the PPA and Notification dated 3.6.2022 issued by Ministry of Power (LPS Rules) to substantiate its arguments.



3. After hearing the submissions of the learned counsel for the parties, the Commission ordered as under:

(a) The Respondent, TUL to file its response to the additional affidavit filed by the Petitioner with advance copy to the Petitioner who may file its reply thereon, if any within two weeks thereafter.

(b) Both the parties to flag the issues to be decided by the Commission and submit their short-written submissions in line with it through e-mail address of the Secretary of the Commission at least three days prior to the date fixed.

(c) The parties shall ensure the filing of submissions within the due dates and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 23.5.2023.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**

