

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.75/MP/2023**

- Subject : Petition under Section 79 and Section 11(2) of the Electricity Act, 2003 read with Regulation 111-113 of the CERC Conduct of Business Regulations, 1999 seeking recovery of Energy Charges from Respondent No. 1/ TANGEDCO for the power procured in the month of December, 2022, in terms of the Directions issued by the Ministry of Power, Government of India.
- Date of Hearing : 10.5.2023
- Coram : Shri Jishnu Barua, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Coastal Energen Private Limited (CEPL)
- Respondents : Tamil Nadu Generation and Distribution Co. Ltd. (TANGEDCO)
- Parties Present : Shri Hemant Singh, Advocate, CEPL  
Ms. Ankita Bafna, Advocate, CEPL  
Ms. Lavanya Panwar, Advocate, CEPL  
Shri Chetan Garg, Advocate, CEPL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Ms. Aakanksha Bhola, Advocate, TANGEDCO  
Shri Rahul Ranjan, Advocate, TANGEDCO

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking recovery of energy charges of Rs. 128.63 crore from Respondent No.1, TANGEDCO for the power procured in the month of December, 2022 in terms of ECR/benchmark tariff notified by the Ministry of Power, Government of India under Section 11 of the Electricity Act, 2003 ('Act'). Learned counsel mainly submitted the following:

- (a) Despite the unambiguous and express directions issued by the Ministry of Power (MoP), Government of India under Section 11 of the Act to continue the power procurement till 31.12.2022 at the notified ECR, TANGEDCO in complete disregard thereof, issued the letters dated 23.11.2022 and 30.11.2022 insisting on the Petitioner to supply power as per the tariff provided under the PPA instead of the benchmark tariff/ECR.
- (b) Being aggrieved by aforesaid stand of TANGEDCO, the Petitioner had approached this Commission by Petition No.349/MP/2022, *inter alia*, seeking quashing of the said letters and for direction to TANGEDCO to abide by the terms of the MoP directions. Vide order dated 23.12.2022, the Commission, *inter alia*, restrained TANGEDCO from insisting on the Petitioner to supply power in terms of PPA till such time the MoP directions were in force. Further, the Commission



also granted liberty to the Petitioner in case of any grievances in relation to the charges to be payable by/received from TANGEDCO for supply during the subsistence of MoP directions.

(c) During the aforesaid period, TANGEDCO continued to schedule the power from the Petitioner upon its declaration of the availability in terms of the MoP directions. However, TANGEDCO has refused to make the payment of energy charges in terms of the said MoP directions for the power procured for the month of December, 2022.

2. Learned counsel for the Respondent, TANGEDCO accepted the notice and sought time to file a reply to the petition.

3. In response to the specific query of the Commission regarding the issue(s) involved appearing to be already covered by the earlier order(s) of the Commission and the order of the Hon'ble High Court of Judicature at Madras dated 6.12.2022 in WP No. 32824 of 2022, the learned counsel for the Respondent replied in the negative. Learned counsel submitted that the Respondents had specifically intimated to the Petitioner that TANGEDCO was willing to procure the power only at the rates under the PPA.

4. After hearing the learned counsel for the Petitioner and the Respondent, TANGEDCO, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder, within three weeks thereafter.

(c) List the matter in the month of July, 2023.

(d) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

5. The Petition shall be listed for hearing on 21.7.2023.

**By order of the Commission**

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