

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 107/MP/2023

Subject : Petition under Sections 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication of disputes and for directions to supply electricity under the contracted capacity of 1805 MW under the Power Purchase Agreement dated 22.04.2007 between Tata Power and GUVNL; compensation/damages for short-supply/nonsupply; and for consequential reliefs including refund.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Tata Power Company Limited and Ors.

Petition No. 85/MP/2022 along with IA Nos. 24/2022 & 37/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Punjab State Power Corporation Limited (PSPCL)

Respondents : Coastal Gujarat Power Limited (CGPL) and Ors.

Petition No. 123/MP/2022 along with IA No. 38/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Uttar Haryana Bijli Vitran Nigam Limited and Anr.

Respondents : Coastal Gujarat Power Limited (CGPL) and Ors.

Petition No. 246/MP/2022 along with IA No. 8/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Respondents : Coastal Gujarat Power Limited (CGPL) and Ors.

Petition No. 56/MP/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 seeking specific performance of the Power

Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Respondents : Coastal Gujarat Power Limited (CGPL) and Ors.

Petition No. 185/MP/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.04.2007 with Tata Power Company Limited.

Petitioner : Jaipur Vidyut Vitran Nigam Limited and Ors.

Respondents : Tata Power Company Limited and Ors.

Petition No. 205/MP/2023

Subject : Petition under Section 79 the Electricity Act, 2003, along with Regulations 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 inter-alia seeking appropriate directions against GUVNL and Rajasthan Discom/RRUVNL towards the wrongful and unsustainable demand towards contract year penalty for availability below 75% (DC penalty) for the contract year 2022-2023 for adjudication and directions in regard to the Power Purchase Agreement dated 22.04.2007 with Tata Power Company Limited.

Petitioner : Tata Power Company Limited

Respondents : Gujarat Urja Vikas Nigam Limited and Ors.

Date of Hearing : **28.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, HPPC, GUVNL, PSPCL
Ms. Poorva Saigal, Advocate, HPPC & PSPCL
Ms. Pallavi Saigal, Advocate, HPPC & PSPCL
Ms. Tanya Singh, Advocate, HPPC & PSPCL
Ms. Srishti Khindaria, Advocate, GUVNL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Shri Anand Ganesan, Advocate, RUVNL
Ms. Swapna Seshadri, Advocate, RUVNL
Shri Amal Nair, Advocate, RUVNL
Ms. Shivani Verma, Advocate, RUVNL
Shri Parth Bhalla, Advocate, GUVNL
Shri Tushar Mathur, Advocate, MSEDCL

Shri Sanjay Sen, Sr. Advocate, TPCL
Shri Dhruv Mehta, Sr. Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Shri Tushar Srivastava, Advocate, TPCL
Shri Divyansh, Advocate, TPCL
Shri Samprati Singh, Advocate, TPCL
Shri Venkatesh, Advocate, TPCL

Record of Proceedings

Learned senior counsel for TPCL submitted that pursuant to the liberty granted by the Commission *vide* Record of Proceedings for the hearing dated 27.9.2024, TPCL has filed its additional affidavit bringing on record the subsequent developments and the effect of the judgment passed by the APTEL dated 28.8.2024 in Appeal No. 309/2019 (MPPMCL and DVC and Anr.) and as upheld by the Hon'ble Supreme Court by its order dated 23.9.2024 in CA No. 10480/2024. Learned senior counsel(s) further circulated a convenience compilation and *inter alia*, referred to / placed the reliance on (i) the prayers made by the Procurers in their respective cases, (ii) provisions of the Power Purchase Agreement dated 22.4.2007, (iii) additional affidavit filed by the Procurer(s), (iv) judgment of the APTEL dated 28.8.2024 and the order of the Hon'ble Supreme Court dated 23.9.2024, (v) copy of Civil Appeal No. 10480/2024 as filed by DVC, (vi) judgment of the Hon'ble Supreme Court in GUVNL v. Essar Power Ltd., [(2008) 4 SCC 755], etc., to buttress his argument that the issues involved in these cases are strictly non-tariff issues and therefore, these cases are required to be referred to arbitration as per ratio laid down in the judgment of the APTEL dated 28.8.2024.

2. Due to a paucity of time, the submissions / arguments of the other side could not commence and accordingly, the matters were adjourned.
3. The Petitions will be listed for the hearing on **8.11.2024 at 2.30 PM.**

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