

**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.

Respondent : Tata Power Company Limited and 7 Ors.

Petition No. 85/MP/2022 along with IA No. 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).

Respondent : Coastal Gujarat Power Limited (CGPL) and 9 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.

Respondent : Coastal Gujarat Power Limited (CGPL) and 8 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).

Respondent : Coastal Gujarat Power Limited (CGPL) and 8 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).

Respondent : Coastal Gujarat Power Limited and 9 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 3 Ors.

Respondent : Tata Power Company Limited and 6 Ors.

Petition No. 205/MP/2023

Subject : Petition under Section 79 the Electricity Act, 2003, along with Regulations 111-113 of the CERC (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 2022-2023for 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 : **27.9.2024**

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

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, PSPCL HPPC & GUVNL
Ms. Poorva Saigal, Advocate, PSPCL & HPPC
Ms. Pallavi Saigal, Advocate, PSPCL & HPPC

Ms. Tanya Singh, Advocate, PSPCL & HPPC
Shri Devyanshu Sharma, Advocate, PSPCL & HPPC
Shri Basava Prabhu Patil, Sr. Advocate, MSEDCL
Ms. Nikita Choukse, Advocate, MSEDCL
Shri Tushar Mathur, Advocate, MSEDCL
Ms. Himani Yadav, Advocate, MSEDCL
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khiudera, Advocate, GUVNL
Shri Anand Ganesan, Advocate, GUVNL & Rajasthan Discoms
Ms. Shivani Verma, Advocate, GUVNL & Rajasthan Discoms
Shri Amal Nair, Advocate, GUVNL & Rajasthan Discoms

Record of Proceedings

During the course of the hearing of Petition No. 179/MP/2023, learned senior counsel for the Tata Power Company Limited submitted that the batch Petitions listed at Item Nos. 19 to 24 and item No. 27 are connected and are concerned with the issues that do not have any bearing on the tariff and supply of power. Accordingly, such issues involved in the batch Petitions are to be considered as non-tariff issues and in view of the judgment of the APTEL dated 28.8.2024 in Appeal No. 309 of 2019 and upheld by the Hon`ble Supreme Court vide its order dated 23.9.20224 in CA No. 10480/2023, the non-tariff issues are mandatorily to be referred to resolution by Arbitration. In this regard, an additional affidavit is required to be filed, bringing on record the subsequent developments and the effect of the judgment passed by the APTEL and the Hon`ble Supreme Court on the above batch matters. However, when the matters were taken up on their turn, none was present on behalf of the TPTCL.

2. However, in response to the specific query of the Commission regarding referring the present batch of matters to the arbitrator in terms of judgment of APTEL dated 28.8.2024 in Appeal No. 308/2019 (MPPMCL v. DVC & Anr.), learned senior counsel appearing on behalf of the Petitioners, PSPCL HPPC & GUVNL submitted that, as per the Petitioners, these matters would not be required to referred to the Arbitrator. However, the Commission may hear the parties on this aspect prior to taking any decision thereon.

3. After hearing the learned senior counsels for the parties, the Commission directed the parties to file an affidavit on the above aspect within a week.

4. The Petitions, along with IAs, will be listed for the hearing on **18.10.2024 at 2.30 P.M.**

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