

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 179/MP/2023**

- Subject : Petition under Section 11(2) of the Electricity Act, 2003 read with 79 of the Electricity Act, 2003, along with Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 inter-alia seeking a declaration/ direction with regard to the principles/ methodology to be adopted for computation of the rate/ compensation at which such supply of power to Respondent Nos. 1 to 8 for the period between being 15.03.2023 to 16.06.2023, or such other period as extended by Ministry of Power from time to time, based on principles laid down with respect to Section 11(2) of the Electricity Act, 2003.
- Petitioner : Tata Power Company Limited (TPCL)
- Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and 8 Ors.
- Date of Hearing : **27.9.2024**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Ramesh Babu V., Member  
Shri Harish Dudani, Member
- Parties present : Shri Sanjay Sen, Sr. Advocate, TPCL  
Shri M.G. Ramachandran, Sr. Advocate, GUVNL  
Ms. Ranjitha Ramachandran, Advocate, GUVNL  
Ms. Srishti Khindaria, Advocate, GUVNL  
Ms. Swapna Seshadri, Advocate, GUVNL  
Shri Parth Bhalla, Advocate, GUVNL  
Shri Vipul Lathiya, GUVNL  
Shri Kishan Vadodariya, GUVNL  
Shri Anand K Ganesan, Advocate, GUVNL & Rajasthan Discoms  
Shri Amal Nair, Advocate, Rajasthan Discoms  
Ms. Shivani Verma, Advocate, Rajasthan Discoms  
Ms. Poorav Saigal, Advocate, PSPCL & HPPC  
Ms. Tanya Singh, Advocate, PSPCL & HPPC  
Ms. Pallavi Saigal, PSPCL & HPPC  
Ms. Nikita Choukse, Advocate, MSEDCL  
Ms. Himani Yadav, Advocate, MSEDCL

## Record of Proceedings

Learned senior counsel for the Petitioner submitted that the arguments and pleadings in the matter were completed, and the matter was reserved for order with respect to the interim relief on 8.5.2024. Learned senior counsel further recapitulated the aspects involved and made detailed oral submissions pressing for interim relief(s). Learned senior counsel also referred to the order passed by the Commission in Petition No. 128/MP/2022 dated 3.1.2023. Learned senior counsel added that the said order is pending in Appeal(s) before the APTEL for adjudication. APTEL, vide its order dated 18.4.2023 in Appeal No.92 of 2023 and batch, has directed an interim stay on order dated 3.1.2022 subject to the payment of 50% of the amount due to TPCL in terms of the said order, which has been already paid. However, the principal amount remains still due to be recovered. Learned senior counsel referred to the additional affidavits dated 4.3.2024, 18.4.2024, and 19.4.2024 filed in compliance with the directions issued by the Commission vide earlier Record of Proceedings in support of his arguments with respect to the interim relief. Learned senior counsel further highlighted that GUVNL has picked data in a manner suiting its own interests so as to deny the Petitioner's claim.

2. *Per contra*, learned senior counsel for GUVNL opposed the submissions of the Petitioners, reiterating that the interim application of the Petitioner is filed for a mandatory order to pay a higher amount from 18.3.2023 until September 2024. Learned senior counsel submitted that the basic claim of the Petitioner is that it should be given the amount as per the order dated 3.1.2023. The said order takes the HPB price, based on the HBA index, as a base for fixing the price of the imported coal from Indonesia. However, subsequently, vide order dated 25.9.2023 in Petition No.12/SM/2023, the Commission has itself considered the Argus Coal Indo / S&P Global Platts indices. It was also pointed out by the learned senior counsel that the interim application ought not to be considered at this stage until the determination of adverse financial consequences as the Petitioner has not provided the complete data. It was also pointed out that the Section 11(1) direction is going to expire on 15.10.2024. However, the Petitioner is evading from filing the relevant data in compliance with the Record of Proceedings for hearing dated 12.2.2024.

3. On the issue of non-furnishing of data in compliance with the Record of Proceedings dated 12.2.2024, learned senior counsel for the Petitioner objected to the submissions made by GUVNL. Learned senior counsel reiterated that the Petitioner had furnished all the requisite data in compliance with the Record of Proceedings dated 12.2.2024 and 15.3.2024.

4. Considering the submissions of the learned senior counsels, the Commission directed the parties to furnish the following information on an affidavit within a week:

- (i) The Petitioner to submit the summary of data furnished in compliance with the Record of Proceedings dated 12.2.2024 and the component-wise breakup of ECR calculation to date.

(ii) The Respondent GUVNL to file the summary of detailed computation in arriving at ECR along with broad principles relied upon by GUVNL for arriving at such computation. Further, GUVNL to file a list of documents/ information not provided by the Petitioner.

5. The matter will be listed for hearing on **18.10.2024 at 2.30 P.M.**

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Joint Chief (Law)**