

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 203/MP/2023

Subject : Petition seeking directions to PSPCL to pay the balance of Principal amount of Rs. 4,50,78,499/- out of total Rs 22,92,58,545/- for the period of April 2020 & May 2020 (during COVID period) in terms of Section 79(1)(f) of the Electricity Act, 2003 read with Article 6.1.6 of the PPA dated 24.9.2008 and the applicable LPSC till the date of realization.

Petitioner : Pragati Power Corporation Limited.

Respondent : PSPCL

Date of Hearing : **16.2.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Anushasit, Advocate, PPCL
Ms. Poorva Saigal, Advocate, PSPCL
Shri Shubham Arya, Advocate, PSPCL
Shri Ravi Nair, Advocate, PSPCL
Ms. Reeha Singh, Advocate, PSPCL
Shri Devanshu Sharma, Advocate, PSPCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the dispute in the present Petition is due to the non-payment of the bills pertaining to the months of April 2020 and May 2020 amounting to Rs. 22,92,58,545/- by the Respondent PSPCL whereby the Respondent had asserted the alleged force majeure event (Covid-19). He, however, submitted that since the Respondent had made the payment of Rs 22 crore (approx.), the claim of the Petitioner, in the present Petition, is limited to an amount of Rs 11 crores (approx.) towards LPSC for such delayed payments.

2. The learned counsel for the Respondent clarified that the Principal amount had been paid to the Petitioner under protest. She, however, submitted that as per its calculations, the LPSC amount due, if any payable, would be Rs 8.84 crores, considering the fact that only the capacity charges for the months of April 2020 and May 2020 are payable and not the energy charges included (as claimed by the Petitioner), since no requisition was made by the Respondent, during the said months.

3. On a query by the Commission as to whether the calculations for the LPSC amount of Rs 8.84 crores (after excluding the energy charges) have been furnished the learned counsel for the Respondent answered in the affirmative. However, the learned counsel for the Petitioner sought time to furnish the calculations for the



LPSC amount claimed after proper reconciliation. The Commission directed the Petitioner to furnish the calculations within 15 days after serving copy on the Respondent.

4. Meanwhile, the Commission directed the parties to explore the possibility for a mutual settlement of the issues and file a report of the same on or before **25.4.2024**. Failing settlement, the Petition shall be listed for hearing on **20.5.2024**. Pleadings shall be completed by the parties one week prior to the date of hearing.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

