

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 238/MP/2024

- Subject : Petition under Sections 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 7.2 of the Power Purchase Agreement dated 26.12.2005 seeking adjudication of dispute qua PCKL/ ESCOMs' illegal unilateral withholding of differential energy charges payable to Adani for the period 1.4.2016 to 31.3.2019.
- Petitioner : Adani Power Limited (APL)
- Respondents : Power Company of Karnataka Limited and Ors.
- Date of Hearing : **7.10.2024**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Amit Kapur, Advocate, APL
Ms. Poonam Verma Sengupta, Advocate, APL
Ms. Gayatri Aryan, Advocate, APL
Shri Saunak Kumar, Advocate, APL
Shri Rajesh Jha, Advocate, APL
Shri Krishan S Rana, Advocate, APL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed *inter alia* seeking clarification of a finding in an order dated 13.1.2023 passed by the Commission in Petition No.155/MP/2019 in the matter of UPCL v. PCKL and Ors. Learned counsel further pointed out that the Petitioner is seeking a clarification that the benchmark energy charges formula laid down in paragraph 137 of the said order applies to coal procurement through spot purchase from 'sister companies' only and is not applicable to the Petitioner's coal procurement through spot purchases from the 'entities other than sister companies.'

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit and issue notice to the Respondents, subject to just exceptions; and

(b) The Respondents to file their reply, if any, within four weeks with a copy to the Petitioner, who may file its rejoinder within four weeks thereafter.

3. The Petition will be listed for hearing on **7.1.2025**.

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