

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 349/MP/2024**

**Along with IAs No. 84/2024 and 85/2024**

Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003, for adjudication of disputes pertaining to the Scheduled Delivery Date (SDD) and illegal recovery of Liquidated Damages by the Respondent from the Petitioner under the PPA dated 27.11.2013.

Petitioner : KSKMPCL

Respondents : TANGEDCO

Date of Hearing : **12.11.2024**

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

Parties Present : Ms. Swapna Seshadri, Advocate, KSKMPCL  
Shri Anand K. Ganesan, Advocate, KSKMPCL  
Ms. Aishwarya, Advocate, KSKMPCL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Shri Rahul Ranjan, Advocate, TANGEDCO

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner and the learned counsel for the Respondent made detailed oral submissions in the matter. The learned counsel for the Respondent, however, pointed out that since the Petitioner is seeking the recovery of LD, the dispute is a non-tariff dispute, referable to arbitration in terms of the APTEL judgment dated 28.8.2024 in Appeal No. 309/2019 (MPPMCL and DVC & anr) and affirmed by the Hon'ble Supreme Court vide order dated 23.9.2024 in CA No. 10480/2024. In response, the learned counsel for the Petitioner submitted that since the dispute pertains to the delay in the commissioning of the project/scheduled delivery date, which has an impact on the tariff, the submission of the Respondent is misconceived.

3. The Commission, after hearing the parties at length, directed as under:

A. The Petitioner shall file the following additional information by **14.12.2024** after serving a copy to the Respondent:

(a) Beneficiary-wise quantum of power tied up during the period from 31.7.2012 to 1.10.2015 in the following format:



S. No.	Name of the beneficiary	Installed Capacity of the Plant (MW) Along with COD	Contracted Quantum of Power (MW)	Type of PPA (Long / Medium / Short Term)	PPA Signed date	PPA Duration		The specific unit of the station from which the contracted quantity of power is to be supplied as per the PPA
						From	To	

(b) The Respondent is permitted to file their reply on the above, on or before **27.12.2024**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **8.1.2025**.

B. The Petitioner and the Respondent are also permitted to file their written submissions (not exceeding three pages) by **27.12.2024** on the question as to whether the dispute in the present Petition is a non-tariff dispute, referable to arbitration, in terms of the judgment of APTEL dated 28.8.2024, after serving a copy to the other.

4. Subject to the above and based on the consent of the parties, the order in the Petition was reserved.

**By order of the Commission**

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

