

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.469/MP/2024

Subject : Petition under Sections 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes in relation to the claims of Adani Power Limited for Part Load Compensation purportedly under the IEGC for FY 2021-22, 2022-23, 2023-24 & 2024-25 and other reliefs.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Adani Power Limited (APL) and Ors.

Petition No.252/MP/2024

Subject : Petition under Sections 61 read with 79 of the Electricity Act, 2003 read with Regulation 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (amended from time to time) and this Commission's Order No. L-1/219/2017/CERC dated 05.05.2017 for seeking, *inter-alia*, implementation of the said Regulation 6.3B and Order dated 05.05.2017 and directions to the Respondent No. 1 for making payment for Degradation of Heat Rate, Auxiliary Power Consumption compensation and Secondary Fuel Oil consumption on account of Part Load Operation and Multiple Start/Stop of Unit nos. 1 to 4 (330x4 MW) & Unit nos. 5 to 6 (660x2 MW) of Adani Power Limited out of total capacity of its Mundra Power Plant 4620 MW (i.e., Unit nos. 1 to 4 (330x4 MW) & Unit nos. 5 to 9 (660x5 MW), located in Mundra, Kutch, Gujarat.

Petitioner : Adani Power Limited (APL)

Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and Ors.

Date of Hearing : **22.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Parties Present : Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri Amit Kapur, Advocate, APL
Shri Gaurav Dudeja, Advocate, APL
Shri Dhruval Singh, Advocate, APL
Ms. Surbhi Gupta, Advocate, APL
Shri Nishant Thakur, Advocate, APL

Record of Proceedings

Since these Petitions are in the nature of cross-Petitions, they were taken up for the hearing together.

2. Learned counsel for GUVNL in Petition No. 469/MP/2024 submitted that the said Petition had been filed *inter alia* seeking a declaration that the Supplementary Invoices raised by the Respondent, APL, in regard to the part load compensation for the FYs 2021-25 are not valid and the consequent direction to APL to withdraw the same. Learned counsel submitted that the Respondent, APL, does not fulfil the pre-conditions specified in the IEGC for receiving the part-load compensation in terms thereof, and even Western Regional Power Committee had asked APL to approach the appropriate authority to examine its case of part-load compensation. Despite this, the Respondent, APL, not only continued to raise the invoices for part load compensation but also uploaded such invoices on the PRAAPTI Portal, and hence, GUVNL is also pressing for an interim order to the effect that no coercive steps be taken against GUVNL in respect of APL's invoices for part-load compensation.

3. In response to the specific query of the Commission regarding the trigger date(s) for such invoices, learned counsel for GUVNL submitted that one of the trigger dates in respect of such invoice(s) was 19.11.2024. However, the portal currently indicates such invoice(s) as "Under Review". Learned counsel added that now the next trigger date for certain invoice(s) is 11.12.2024.

4. Learned counsel for APL submitted that Petition No. 252/MP/2024 had been filed *inter alia* seeking implementation of Regulation 6.3B of IEGC and the Commission's order dated 5.5.2017 and the consequent direction to the Respondent No. 1, GUVNL for making payment for the Degradation of Heat Rate, Auxiliary Power Consumption compensation, and Secondary Fuel Oil consumption on account of Part Load Operation and Multiple Start/Stop of Unit Nos. 1 to 4 (330x4 MW) & Unit Nos. 5 to 6 (660x2 MW) of APL. Learned counsel further urged to issue notices in both these matters and requested that the matters be heard on a shorter date. Learned counsel also added that since the concerned invoice(s) is being shown as "Under Review" on the Portal, no interim direction, as prayed for by GUVNL, may be required at this stage.

5. After hearing the learned counsel for the parties, the Commission directed as under:

- (a) Admit and issue notice to the Respondents, subject to the just exceptions;
- (b) The Respondents to file their respective replies by **6.12.2024** with a copy to the Petitioner, who may file its rejoinder, if any, on or before **12.12.2024** thereafter.
- (c) GUVNL and APL to furnish the following details/information/clarification, on an affidavit, on or before **4.12.2024** with a copy to the other side:
 - (i) Clarify whether APL's Mundra Project is under the control area of RLDC or SLDC, Gujarat; and

(ii) Relevant clauses incorporated in the PPAs regarding the compensation for operating at the technical minimum schedule in compliance with Regulation 6.3(B) of IEGC.

6. The Petitions will be listed for the hearing on **17.12.2024**.

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