

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.496/MP/2024
alongwith I.A. No. 102/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 for quashing the illegal claim of Rs. 48 crores raised by the Respondent TANGEDCO vide its letter(s) dated 31.7.2024 and 30.9.2024 towards the alleged Liquidated Damages in terms of Article 4.8.1 and Article 4.8.2 of the Power Purchase Agreement dated 23.8.2013 read with the Addendum dated 10.12.2013 and the immediate threat of unilateral deduction of the said amount from the monthly invoice raised by the Petitioner, being barred by limitation.

Petitioner : BALCO

Respondent : TANGEDCO & 2 Ors.

Date of Hearing : **10.12.2024**

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

Parties Present : Shri S. Ganesh, Senior Advocate, BALCO
Shri Hemant Singh, Advocate, BALCO
Shri Chetan Garg, Advocate, BALCO
Shri Mridul Chakraborty, Advocate, BALCO
Ms. Alchi Thapliyal, Advocate, BALCO

Record of Proceedings

During the hearing 'on admission', the learned Senior counsel for the Petitioner submitted that the present Petition had been filed seeking to quash the illegitimate claim of Rs 48 crores raised by the Respondent TANGEDCO vide its letters dated 31.7.2024 and 30.9.2024, under the Articles of the PPA read with the addendum dated 10.12.2013. While pointing out the immediate threat of unilateral deduction of the said amount from the monthly invoice raised by the Petitioner, the learned Senior counsel submitted that the recovery of the amount by the Respondent is barred by the principles of limitation (being 8 years and above) as it is in complete variance with the earlier claim raised by the Respondent by way of letter dated 20.2.2016. He, accordingly, prayed that the Commission may direct the Respondent not to take any coercive action against the Petitioner in terms of the aforesaid letters, pending a hearing of the matter.

2. The Commission, after hearing the parties, directed as under:
- (a) Admit and issue notice to the parties.
 - (b) The Respondent TANGEDCO is permitted to file its reply on or before **31.12.2024** after serving a copy to the Petitioner, who may file its rejoinder,



if any, by **22.1.2025**. Pleadings shall be completed by the parties within the due dates mentioned.

3. The Respondent TANGEDCO, in terms of its letters, shall not take any coercive/ precipitative action against the Petitioner in respect of the bills raised till the next date of hearing.
4. The Petition shall be listed for hearing on **6.2.2025**.

By order of the Commission

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

