

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 60/GT/2024

Subject : Petition seeking Revision of Tariff of Koteshwar Hydro Electric Project (KHEP) (4x100MW) for the period 1.4.2019 to 31.3.2024 on account of interim truing up limited to meet the liabilities as per the arbitration award dated 17.12.2010 read with the orders of Hon'ble Delhi High Court dated 13.12.2019, 12.7.2023, 28.7.2023 paid by THDCIL on 27.1.2020 and 31.8.2023, in terms of Regulations 13(3) and 76 & 77 of the Tariff Regulations, 2019.

Petitioner : THDC India Limited

Respondent : PSPCL and 13 Ors.

Date of Hearing : **13.8.2024**

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

Parties Present : Shri M.G. Ramachandran, Senior Advocate, THDC
Ms. Anushree Bardhan, Advocate, THDC
Ms. Surbhi Kapoor, Advocate, THDC
Ms. Shirsa Saraswati, Advocate, THDC
Shri Mohit Jain, Advocate, BSES Discoms
Shri Sachin Dubey, Advocate, BSES Discoms
Shri Mohit K. Mudgal, Advocate, BSES Discoms
Shri Venkatesh, Advocate, TPDDL
Shri Nihal Bhardwaj, Advocate, TPDDL
Ms. Manu Tiwari, Advocate, TPDDL
Shri Ashutosh Srivastava, Advocate, TPDDL
Ms. Jaya, BSES Discoms

Record of Proceedings

During the hearing, the learned Senior counsel for the Petitioner, THDCIL, submitted that on 26.7.2024, the Hon'ble Supreme Court in the SLP filed by the Petitioner challenging the order dated 24.4.2024 of the Hon'ble Delhi High Court in FAO(OS)(COMM) No. 184/2023, has granted leave to the Petitioner and has also stayed the execution proceedings against it, till further orders. He further submitted that since the total amount deposited by the Petitioner, in terms of the order of the Hon'ble High Court, is Rs 1460.25 crore (Principal amount of Rs 475 crore plus interest of Rs 985.25 crore) has adversely affected the cash flows of the generating station, the Commission may grant the relief as prayed for in the



petition. He also submitted that the Petitioner has filed its note of arguments in the matter.

2. The learned counsel for the Respondent, TPDDL, pointed out that detailed oral submissions were made by the Respondent during the hearing on 11.7.2024. He, however, submitted that the written submissions filed by the Respondent may be considered while passing the order in the present case.

3. The learned counsel for the Respondent, BSES Discoms prayed for a grant of two weeks' time to file its written submissions.

4. The Commission, after hearing the learned counsel for the parties, permitted the Respondent BSES Discoms to file its written submissions (not exceeding three pages) on or before **5.9.2024** after serving a copy to the Petitioner.

5. Subject to the above, the order in the Petition was reserved.

By order of the Commission

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

