

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.65/MP/2024

Subject : Petition under Section 79 (1)(b) of the Electricity Act, 2003 seeking approval of the Commission for the Supplemental Power Purchase Agreements dated 28.02.2023.

Petitioners : Haryana Power Purchase Centre (HPPC) and Ors.

Respondent : Adani Power Limited (APL)

Date of Hearing : **28.8.2024**

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

Parties Present : Shri Tushar Mathur, Advocate, HPPC
Shri Kumar Gaurav, APL
Shri Himanshu, APL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition had been filed seeking the approval of the Commission on the Supplemental Power Purchase Agreement executed between the Petitioners, Haryana Discoms, and the Respondent on 28.2.2023.

2. In response to the specific query regarding the necessary jurisdiction of this Commission to approve the agreements entered into by the distribution licensees for the purchase power under Section 79(1) of the Electricity Act, 2003 ('the Act'), learned counsel for the Petitioner submitted that keeping in view that the generating station of the Respondent, APL has a composite scheme of generation and sale of electricity in more than one State in terms of Section 79(1)(b) of the Act, this Commission is the Appropriate Commission having a requisite jurisdiction over the matter and in the past also, the Commission has allowed the amendments to the Power Purchase Agreements entered into under Section 63 route. Learned counsel for the Respondent, APL also supported the above submission advanced by the learned counsel for the Petitioner on the jurisdiction aspect. However, the Commission *prima facie* observed that reference to the orders allowing the adjustment/passing of the discount in tariff to the procurer(s) under the SHAKTI may not be relevant to the present case. In response, learned counsel for both sides sought liberty to file their submissions to the above query and leave to address this issue of jurisdiction thereafter.

3. Considering the submissions made by the learned counsels for the parties, the Commission directed both sides to file their concise submissions on the limited aspect of jurisdiction to approve the Supplemental Power Purchase Agreements entered into by the Distribution Licensees under Section 79(1)(b) vis-à-vis Section 86(1)(b) of the Act, within three weeks.

4. The Petition will be listed for hearing on **8.10.2024**.

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