

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.75/MP/2022

Subject : Petition under Sections 79(1)(b) and 79(1)(f) of the Electricity Act, 2003, read with the Letter of Intent dated 13.02.2021, and Bid Document dated 17.12.2020, thereby seeking directions from this Commission for quashing erroneous Compensation Bills/ Tax Invoices raised upon the Petitioners by the Respondent qua levy of alleged liquidated damages, and also to restrain the said Respondent from levying IGST on such liquidated damages, payment of illegally withheld amongst with applicable Delay Payment surcharge and amongst other consequential reliefs.

Date of Hearing : **15.3.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri P. K. Singh, Member

Petitioner : Jindal India Thermal Power Ltd. (JITPL) and Anr.

Respondents : BSES Rajdhani Power Ltd. (BRPL).

Parties Present : Shri Sajan Poovayya, Sr. Advocate, JITPL
Shri Hemant Singh, Advocate, JITPL
Ms. Ankita Bafna, Advocate, JITPL
Ms. Lavanya Panwar, Advocate, JITPL
Shri Biju Mattam, Advocate, JITPL
Shri Hasan Murtaza, Advocate, BRPL
Shri Sameer Sharma, Advocate, BRPL
Shri Ankit Sinha, Advocate, BRPL
Ms. Megha Bajpai, BRPL
Ms. Sweta Chaudhary, BSES
Ms. Jaya, BSES

Record of Proceedings

At the outset, learned proxy counsel for the Respondent, BRPL, sought an adjournment on the grounds of the non-availability of the arguing/lead counsel due to personal difficulty. However, the learned counsel for the Petitioner submitted that parties have already made detailed submissions on the aspects involved in the matter, namely, (i) calculation of liquidated damages due to the shortfall in supply of power on a fortnightly basis instead of a monthly basis as stipulated in the Letter of Intent/Bid documents, (ii) non-consideration of the declared capacity by the Petitioner on a monthly basis while calculating the liquidated damages, and (iii) levy of Integrated Goods and Services Tax (IGST) on the liquidated damages. Learned counsel for the Petitioner prayed to reserve the matter for the order after permitting the parties to file their respective written submissions.

2. The submission made by the learned counsel for the Petitioner was not opposed by the learned counsel for the Respondent, BRPL.
3. After hearing the learned counsel for the parties, the Commission permitted the parties to file their respective written submissions, if any, within two weeks with a copy to the other side.
4. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)