

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 211/MP/2022**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri Arun Goyal, Member**

**Shri P.K. Singh, Member**

**Date of Order: 25<sup>th</sup> April, 2024**

**In the matter of:**

Petition under Section 79 of the Electricity Act, 2003 read with Article 8.4.1, 8.4.2 and 8.4.11 of Schedule I of Power Purchase Agreement dated 20.1.2014 read with CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2020 seeking directions to PTC India Ltd. to comply with its statutory and contractual obligation to establish and operate a valid Escrow Arrangement and Letter of Credit as Payment Security Mechanism in favour of MB Power (Madhya Pradesh) Limited.

**And**

**In the matter of**

**MB Power (Madhya Pradesh) Limited,**

239, Okhla Industrial Estate, Phase-III,

New Delhi-110 020

...Petitioner

**Versus**

**1. PTC India Limited,**

2nd Floor, NBCC Tower

15, Bhikaji Cama Place,

New Delhi-110066

**2. Uttar Pradesh Power Corporation Limited,**

7th Floor, Shakti Bhawan,

14, Ashok Marg, Lucknow - 226001

**3. Pashchimanchal Vidyut Vitran Nigam Limited,**

Urja Bhawan, Victoria Park,

Meerut – 250001

**4. Purvanchal Vidyut Vitran Nigam Limited,**

DLW Bhikaripur,

Varanasi – 221004

**5. Madhyanchal Vidyut Vitran Nigam Limited,**

4A, Gokhale Marg,

Lucknow – 226001

**6. Dakshinanchal Vidyut Vitran Nigam Limited,**

Urja Bhawan, NH – 2,

(Agra-Delhi Bypass Road)

Sikandra, Agra-282002

...Respondents



**Parties present:**

Shri Amit Kapur, Advocate, MBPMPL  
Shri Abhishek Gupta, MBPMPL  
Shri Ravi Kishore, Advocate, PTC  
Shri Keshav Singh, Advocate, PTC  
Shri Abhishek Kumar, Advocate, UP Discoms

**ORDER**

The Petitioner, MB Power (Madhya Pradesh) Limited, has filed the present Petition with the following Prayers:

*“(a) Direct PTC to provide a valid monthly unconditional, revolving, and irrevocable Letter of Credit to MB Power as a Payment Security Mechanism in respect of payment of the Monthly Bills and Supplementary Bills raised by MB Power for supply of 361 MW Power for an amount equal to one point one (1.1) times the average of the monthly Tariff Payments of the previous Contract Year in terms of provisions of PTC PPA and CERC Trading Regulations 2020;*

*(b) Direct PTC to execute a Default Escrow Agreement with MB Power and the default escrow agents for the establishment and operation of the Default Escrow Account (Escrow Arrangement) in favour of MB Power as a Payment Security Mechanism in terms of provisions of Article 8.4.11 of Schedule I of PTC PPA dated 20.01.2014 and CERC Trading Regulations 2020 for an amount equal to one point one (1.1) times the average of the monthly Tariff Payments of the previous Contract Year.*

*(c) Direct PTC to return Rs 33.15 Crore to MB Power being the excess trading margin charged by PTC (i.e., @ 8 paise/unit) since 02.01.2020 till May 2022 along with interest at the rate to be specified by this Commission;*

*(d) Direct PTC to return the amount corresponding to the excess trading margin charged by PTC since June 2022 till the date of issuance of final Order by this Hon’ble Commission to MB Power along with interest at the rate to be specified by this Hon’ble Commission;*

*(e) Direct PTC to charge trading margin of only 2 paise/unit for the power supplied by MB Power to UP Discoms until a valid and appropriate Letter of Credit and an Escrow Arrangement is provided to MB Power in terms of the provisions of the PTC PPA and CERC Trading Regulations 2020; and*

*(f) Pass any such other and further reliefs as this Hon’ble Commission deems just and proper in the nature and circumstances of the present case.”*

2. During the course of the hearing on 19.4.2024, the learned counsel for the Petitioner submitted that subsequent to the filing of the present Petition, there has been certain development in the matter and accordingly, sought permission to withdraw the present Petition with a liberty to approach the Commission, in future, if required.



3. Considering the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition. The Petitioner is at a liberty to approach the Commission, in accordance with law, if required.

4. Accordingly, Petition No. 211/MP/2022 is disposed of as withdrawn.

Sd/-  
**(P.K. Singh)**  
Member

sd/-  
**(Arun Goyal)**  
Member

sd/-  
**(Jishnu Barua)**  
Chairperson

