

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 220/MP/2024 along with IA No.53/2024

- Subject : Petition under Sections 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 7.2 of the Power Purchase Agreement dated 26.12.2005 seeking adjudication of dispute qua PCKL/Karnataka ESCOMs' illegal unilateral withholding of energy charges payable to Adani Power Limited for the months of June and July 2021.
- Petitioner : Adani Power Limited (APL).
- Respondent : Power Company of Karnataka Limited and Ors.
- Date of Hearing : **19.2.2025**
- Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
- Parties Present : Shri Amit Kapur, Advocate, APL
Ms. Poonam Verma Sengupta, Advocate, APL
Ms. Saunak Kumar Rajguru, Advocate, APL
Shri Rajesh Jha, Advocate, APL
Shri M. G. Ramachandran, Sr. Advocate, PCKL
Shri Shubhranshu Padhi, Advocate, PCKL
Shri Anees Bajaj, Advocate, PCKL
Shri Ekansh Sisodia, Advocate, PCKL

Record of Proceedings

During the course of the hearing, the learned counsel for the Petitioner and learned senior counsel for the Respondent, PCKL, referred to the pleadings and argued at length on the issues involved in the matter.

2. Considering the submissions made by the learned counsel and learned senior counsel for the Parties, the Commission observed that one more hearing is required in the matter and directed the Petitioner to file the following information on an affidavit within three weeks with a copy to the Respondents:

(a) Indicate the specific provisions outlined in the Power Purchase Agreement (PPA) and Coal Supply Purchase Agreement (CSPA) regarding the timeline and process for communicating information to the Respondents for the revision of coal invoices by Glencore, particularly following the availability of the Japanese/Australian pricing index? Specifically, within how many days is such information required to be shared, and what are the associated obligations for transparency and accuracy in the recalculation process?"

(b) Given that the revision in rates was known to the Petitioner on 14th June 2021 but was communicated to the Respondent only on 7th July 2021, resulting in a delay of 23 days, what were the underlying reasons for such delay in conveying the information regarding the revised rates? Whether there were any contractual, operational, or external factors that had contributed to this lapse, and how does this delay align with the provisions outlined in the governing PPA for timely communication of such revisions?"

(c) Explain the past practices followed for the intimation of revised rates of the Japanese/Australian pricing index from Glencore.

(d) What is the procedure for Merit Order Dispatch (MOD) in power scheduling, considering the variable costs of thermal power stations?

3. The matter remains part heard and will be listed for the hearing on **11.4.2025**.

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