

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 303/MP/2025

Subject : Petition under Section 79 of the Electricity Act, 2003, seeking quashing of the illegal claim of Rs. 129.60 Crores raised by the Respondent TNPDCCL vide demand notices dated 21.11.2024 towards Liquidated Damages in terms of Article 4.8 of the PPA dated 12.12.2013, being barred by limitation.

Petitioner : IL&FS Tamil Nadu Power Company Limited

Respondent : TANGEDCO and anr.

Date of Hearing : **23.4.2025**

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

Parties Present : Shri Hemant Singh, Advocate, ILFSTNPCL
Ms. Supriya Rastogi, Advocate, ILFSTNPCL
Ms. Lavanya Panwar, Advocate, ILFSTNPCL
Shri Harshit Singh, Advocate, ILFSTNPCL
Shri Devansh Pundir, Advocate, ILFSTNPCL
Shri Jay Lal, Advocate, ILFSTNPCL
Shri Arun Lal, Advocate, ILFSTNPCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the present petition has been filed for quashing of the illegal claim raised by the Respondent, TNPDCCL, vide demand notices dated 21.11.2024 towards liquidated damages, after eight and a half years, and the same is barred by limitation. He, however, prayed that an interim protection against any coercive action by the Respondent, TNPDCCL, may be granted by the Commission, as in the case of the petition filed by BALCO.

2. In response to a specific query of the Commission as to whether any IA has been filed by the Petitioner seeking interim relief, the learned counsel pointed out that it has only made a prayer for the grant of interim relief. He, however, added that the Petitioner may be granted liberty to file IA for the grant of interim relief. On a further query of the Commission with regard to the arbitrability of the matter, the learned counsel for the Petitioner sought permission to file its submissions on the said issue.

3. The Commission, after hearing the learned counsel, directed as under:

(a) Admit and issue notice, subject to just exceptions.

(b) The Petitioner is granted liberty to file an IA seeking interim relief, after serving a copy on the Respondents.



- (c) The Petitioner shall file its written submissions on the issue of arbitrability of the matter by **15.5.2025**, after serving a copy on the Respondents.
- (d) The Respondents shall file their replies by **6.6.2025**, after serving a copy on the Petitioner, who may file its rejoinder, if any, by **20.6.2025**.
4. The Petition shall be listed for hearing on **10.7.2025**.

By order of the Commission

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

