

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 378/MP/2023

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes on the issue of wrongful deduction of compensation towards alleged non-supply and non-submission of contract performance bank guarantee.

Petitioner : Manikaran Power Limited

Respondents : MSEDCL and 2 others

Date of Hearing : **27.12.2024**

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

Parties Present : Shri Anand Ganesan, Advocate, MPL
Ms. Aishwarya Subramani, Advocate, MPL
Shri Amaranath, Advocate, MSEDCL

Record of Proceedings

The case was called out for a virtual hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that the order may be reserved in the matter since the pleadings are complete. However, the proxy counsel for the Respondent, MSEDCL, prayed for adjournment on the grounds of the non-availability of the arguing counsel. This request was not opposed by the learned counsel for the Petitioner, and based on the consent of the parties, the hearing in the matter was adjourned.

3. The Commission, while adjourning the matter, directed the parties to submit the following additional information after serving a copy to other side on or before **21.1.2025**:

Petitioner

(a) *The Petitioner/source generator to furnish the details of daily availability declared as per Lol and additional daily availability declared beyond Lol, to the respondent, MSEDCL, for the period from 1.10.2018 to 31.10.2018.*

(b) *The Petitioner/source generator to furnish the following day-wise information for the period from 01.10.2018 to 31.10.2018 :*



<i>Date</i>	<i>Installed Capacity</i>	<i>DC</i>	<i>Availability declared to Long Term and Medium Term beneficiaries</i>	<i>Availability declared to respondent (MSEDCL) w.r.t contracted capacity</i>	<i>Availability declared to respondent (MSEDCL) beyond the contracted capacity</i>	<i>Availability declared for Short term beneficiaries, other, than Respondent (MSEDCL)</i>

(c) *The day-wise energy sold from the source generator (SWPGPL/VSLP) in short term/power exchanges through MPL during the period from 01.10.2018 to 31.10.2018.*

(d) *The justification for not supplying power under Tender ET-71 in fulfillment of LOIs accepted, on account of coal shortage during the disputed period, however, sold power through power exchange during the same period, along with supporting document.*

Respondent - MSEDCL

(e) *As submitted by the Petitioner, the Respondent has made an additional deduction of Rs 4687890/- from the Petitioner on account of procurement of power at higher ECR from power exchange. The Respondent, MSEDCL, shall furnish the details for the same, along with supporting documents.*

4. The parties may file their response to the above, if any, after serving a copy to the other side on or before **11.2.2025**.

5. The matter will be listed for hearing on **26.2.2025**.

By order of the Commission

**Sd/-
(Deepak Pandey)
Assistant Chief (Law)**

