

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 79/MP/2023

Subject : Petition under Section 79(1)(b) and (f) and Section 63 of the Electricity Act, 2003 for adjudication and recovery of the amount payable by Tata Power Company Limited on account of the Sellers Event of Default in terms of Article 14.1(iv) as read with 14.3.4 of the Power Purchase Agreement dated 22.04.2007.

Petitioner : Punjab State Power Corporation Limited (PSPCL)

Respondents : Tata Power Company Limited and Ors.

Date of Hearing : **19.8.2025**

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

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, PSPCL
Shri Shubham Arya, Advocate, PSPCL
Ms. Poorva Saigal, Advocate, PSPCL
Ms. Pallavi Saigal, Advocate, PSPCL
Shri Rishabh Saxena, Advocate, PSPCL
Shri Harshvardhan Singh, Advocate, PSPCL
Ms. Shirin Gupta, Advocate, PSPCL
Ms. S Dwivedi, Advocate, PSPCL
Shri Sanjay Sen, Sr. Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Shri Divyansh Kasana, Advocate, TPCL
Shri Shreyshth Sharma, Advocate, TPCL
Shri Aashwyn Singh, Advocate, TPCL
Ms. Ananya Dutta, Advocate, TPCL

Record of Proceedings

At the outset, the learned senior counsel for the Respondent, TPCL, submitted that the dispute in the present case pertains to the alleged breach of contractual obligations and the tariff determination or regulation, and is, therefore, in the nature of a non-tariff dispute. Accordingly, the Respondent has filed an additional affidavit seeking reference of the dispute to the arbitration.

2. In response to the specific query of the Commission as to whether the Petitioner has filed its response to the said additional affidavit of TPCL, the learned senior counsel for the Petitioner submitted that issue involved herein pertains to TPCL's failure to maintain the Average Availability as per Article 14.1(iv) of the Power

Purchase Agreement and the resulting reduction in the capacity charges under Article 14.3.4. Thus, the dispute clearly relates to the tariff reduction, and is, therefore, a tariff-related issue. Learned senior counsel further submitted that while the Petitioner has addressed this issue in its written submissions, the Petitioner may also be permitted to file its response affidavit to TPCL's additional affidavit filed only yesterday.

3. Considering the above, the Commission permitted the Petitioner to file its response to TPTCL's additional affidavit within a week, with a copy to the Respondents.

4. The matter will be listed for hearing on **16.9.2025 at 2.30 P.M.**

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