CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No.107/MP/2023

Subject : Petition under Sections 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication of disputes and for directions to supply electricity under the contracted capacity of 1805 MW under the Power Purchase Agreement dated 22.04.2007 between Tata Power and GUVNL; compensation/damages for short-supply/non-supply; and for consequential reliefs including refund.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Tata Power Company Limited and Ors.

Petition No.85/MP/2022 along with IA Nos. 24/2022 & 37/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Punjab State Power Corporation Limited (PSPCL)

Respondents : Coastal Gujarat Power Limited (CGPL) and Ors.

Petition No.123/MP/2022 along with IA No. 38/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioners : Uttar Haryana Bijli Vitran Nigam Limited and Anr.

Respondents : Coastal Gujarat Power Limited and Ors.

Petition No.246/MP/2022 along with IA No. 8/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Respondents : Coastal Gujarat Power Limited and Ors.

Petition No.56/MP/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 seeking specific performance of the Power

Purchase Agreement dated 22.4.2007 with Coastal Gujarat Power Limited.

Petitioner : Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Respondents : Coastal Gujarat Power Limited and Ors.

Petition No.185/MP/2023

Subject : Petition under Section 79(1)(b) and (f) read with Section 63 of the Electricity Act, 2003 for adjudication and directions in regard to the Power Purchase Agreement dated 22.04.2007 with Tata Power Company Limited.

Petitioners : Jaipur Vidyut Vitran Nigam Limited and Ors.

Respondents : Tata Power Company Limited and Ors.

Petition No.205/MP/2023

Subject : Petition under Section 79 the Electricity Act, 2003, along with Regulations 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 inter-alia seeking appropriate directions against GUVNL and Rajasthan Discom/RRUVNL towards the wrongful and unsustainable demand towards contract year penalty for availability below 75% (DC penalty) for the contract year 2022-2023 for adjudication and directions in regard to the Power Purchase Agreement dated 22.04.2007 with Tata Power Company Limited..

Petitioner : Tata Power Company Limited (TPCL)

Respondents : Gujarat Urja Vikas Nigam Limited and Ors.

Date of Hearing : **16.10.2026**

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, GUVNL, PSPCL & HPPC
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri Aneesh Bajaj, Advocate, GUVNL
Shri Abhigy Goswami, Advocate, GUVNL
Shri Sanjay Sen, Sr. Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Ms. Shambhavi Jha, Advocate, TPCL
Ms. Vandana Ragwani, Advocate, TPCL
Ms. Poorva Saigal, Advocate, HPPC & PSPCL
Shri Rishabh Saxena, Advocate, HPPC & PSPCL
Ms. Shree Dwivedi, Advocate, HPPC & PSPCL

Shri Vishal Binod, Advocate, MSEDCL
Shri Aditya Dubey, Advocate, MSEDCL
Ms. Swadha Sharma, Advocate, MSEDCL
Shri Anand Ganesan, Advocate, RUVNL
Shri Amal Nair, Advocate, RUVNL
Ms. Anju Shree Nair, Advocate, RUVNL
Shri Gajendra Sinh Vasava, WRLDC & NLDC
Shri Alok Mishra, WRLDC & NLDC
Ms. Momai Dey, WRLDC

Record of Proceedings

At the outset, the learned senior counsel for the Petitioners in Petition Nos. 107/MP/2023, 85/MP/2022, and 123/MP/2022, made the preliminary submissions in the matters and further pointed out that APTEL, vide its order dated 14.10.2026 in Appeal No. 455 of 2023 (filed against the interim order dated 17.4.2023), has directed to conclude the hearing in the matter(s) at the earliest and pass the order in the main Petition(s) within six weeks. The learned senior counsel, inter alia, submitted that, in the interim order dated 17.4.2023, the Commission has already ruled on several issues and ordered the specific performance of the PPA by directing TPCL to discharge its contractual obligations towards the Petitioners. Thus, the only issues remaining are the extent of the default and the compensation TPCL is required to pay to the Petitioners for its failure to make the requisite quantum available to them under the PPA. Additionally, since WRLDC failed to abide by the mandate under the Act, the Petitioners have also sought a declaration that WRLDC is jointly and severally liable to recompense the Petitioners. On the issue of jurisdiction, the learned senior counsel submitted that in terms of the judgment of APTEL dated 25.2.2026 in Appeal No.348 of 2025 and Ors., as well as the judgment of the Hon'ble Delhi High Court dated 3.11.2025 in OMP (I) (Comm.) 213/2025, the matters raised in these Petitions squarely fall within the jurisdiction of this Commission under Section 79(1)(b) read with Section 79(1)(f) of the Act and are not arbitrable. Further, by order dated 17.9.2026, APTEL also dismissed Review Petition No. 6/2026 which sought review of the said Judgment dated 25.2.2026. However, due to a paucity of time, learned senior counsel could not conclude his arguments. Accordingly, the learned senior counsel sought liberty to argue the matters holistically on the next date of hearing after filing a short note of arguments along with the list of dates in these matters.

2. The learned senior counsel for the Respondent, TPCL, submitted that in terms of APTEL's judgment dated 25.2.2026, the Commission is required to first examine whether the matter of disputes raised in these Petitions falls within the ambit of Section 79(1)(b) of the Act. With regard to the reliance placed on the Commission's order dated 17.4.2023, the learned senior counsel further submitted that the said order was only an interim order and hence, all aspects need to be considered by the Commission while passing the final order. The learned senior counsel also sought liberty to file a short note of arguments in these matters.

3. The learned counsel for the Petitioners, Rajasthan Discoms, in Petition No. 185/MP/2023 also sought liberty to file a short note of arguments in the matter.

4. Further, in Petition No. 205/MP/2023, the learned senior counsel and learned counsel for both sides submitted that the said Petition be segregated from the batch matters and be listed for hearing separately.

5. Considering the above, the Commission directed all the parties to file their respective notes of argument, along with a list of dates, within ten days with an advance copy to the other side. Further, at the request of the parties, the Commission directed that Petition No. 205/MP/2023 be segregated from the remaining Petitions and listed for hearing on a separate date.

6. The Petitions, except Petition No. 205/MP/2023, will be listed for hearing on **6.11.2026**. Whereas, Petition No. 205/MP/2023 will be listed for hearing on **22.12.2026**.

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