

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.108/MP/2026 along with IA No.26/2026

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 and the terms of the Power Purchase Agreements dated 06.02.2007 and 02.02.2007 read with the corresponding SPPAs both dated 05.12.2028, Settlement Deed dated 03.01.2022 and SPPAs dated 30.03.2022, entered into between Gujarat Urja Vikas Nigam Limited and Adani Power Limited read with Order dated 08.02.2022 passed by the Hon'ble Supreme Court, seeking setting aside the Supplementary Invoices dated 05.01.2026 and Monthly Invoices dated 06.01.2026 raised by Adani Power on GUVNL and passing directions against Adani Power.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Adani Power Limited and Anr.

Date of Hearing : **11.3.2026**

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
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri Amit Kapur, Advocate, APL
Ms. Poonam Sengupta, Advocate, APL
Shri Saunak Rajguru, Advocate, APL
Shri Pradyumn Amit Sharma, Advocate, APL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed seeking, *inter alia*, a declaration that the Supplementary Invoices dated 5.1.206 and Monthly Invoice dated 6.1.2026 (for December 2025) raised by Respondent No.1, APL, are illegal, void and contrary to the PPAs/SPPAs/Settlement Deed and the Commission's order dated 13.6.2022, a direction to APL to withdraw the said invoices and not to take any coercive steps on their basis, including through PRAAPTI, and appropriate interim and ad-interim reliefs staying the operation and effect of the above invoices pending adjudication. The learned senior counsel further circulated a list of key dates and mainly submitted as follows:

(a) GUVNL and APL had entered into two Power Purchase Agreements (PPAs) dated 2.2.2007 and 6.2.20007 pursuant to tariff based competitive bidding under Section 63 of the Act, and subsequent Supplemental PPAs dated 5.12.2018 and

30.3.2022, read with a Deed of Settlement dated 3.1.2022 placed before the Hon'ble Supreme Court in Curative Petition No. 34 of 2020 and Government of Gujarat Resolution dated 25.2.2022. In terms of the said Deed of Settlement dated 3.1.2022 and Government of Gujarat's Resolution dated 25.2.2022 and SPPAs dated 30.3.2022, the parties had agreed on "Base Rate" to be approved by the Govt. of Gujarat, considering the Base Rate recommended by the Commission.

(b) In terms of the above, GUVNL had approached the Commission in Petition No. 111/MP/2022 seeking a recommendation of the Base Rate. The Commission, *vide* order dated 11.6.2022, recommended Base Rates for specified sub-parameters as on 15.10.2018. The recommendation was placed before the Govt. of Gujarat for approval. The Govt. of Gujarat is yet to finalise and approve the Base Rate.

(c) Pending finalisation of the Base Rate by the Govt. of Gujarat and consequential amendment of the SPPAs and approval by this Commission, GUVNL and APL have been operating under an interim, ad-hoc payment mechanism for energy charge, on a without prejudice basis, as recorded in GUVNL's letters dated 15.3.2022 and 16.3.2022 and acknowledged by APL in subsequent correspondence dated 24.5.2025 & 16.6.2025.

(d) Despite the above, APL by letters dated 5.1.2026 has proceeded to raise Supplementary Invoices on GUVNL for the period from 15.10.2018 to November 2025 by applying the Base Rates recommended by the Commission on 13.6.2022, purporting it to be "deemed to have been approved by the Government of Gujarat" and as if they were final and binding. On 6.1.2026, APL also raised the Monthly Invoice for December 2025 based on the said Base Rate, instead of continuing with the interim arrangement that was being followed.

(e) APL has also proceeded to upload the Supplementary Invoices dated 5.1.2026 on the PRAAPTI Portal with a trigger dated 20.3.2026, thereby initiating a process that may attract the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 and exert coercive pressure on GUVNL to make payment on the basis of Base Rate, which has not been finalised or approved by the Govt. of Gujarat nor incorporated into the SPPAs. Accordingly, GUVNL is also pressing for interim relief(s) as prayed for in the IA No. 26/2026.

(f) By letters dated 9.1.2026, GUVNL disputed and returned the Supplementary Invoices and Monthly Invoices raised by APL. GUVNL also protested the uploading of these Invoices on the PRAAPTI Portal by communication/note to PRAAPTI dated 9.1.2026 & 13.1.2026. However, on 28.1.2026, APL resubmitted these Invoices on the PRAAPTI Portal by giving a misleading and misconceived affidavit.

2. Learned counsel for the Respondent, APL, accepted the notice and sought liberty to file a reply.

3. After hearing the learned senior counsel for the Petitioner and learned counsel for the Respondent, the Commission directed as under:

(a) Issue notice to the Respondents;

(b) The Respondents to file their replies to the Petition as well as IA, if any, on or before 16.3.2026 with a copy to the Petitioner, who may file its rejoinder, if any, within a day thereafter.

4. The Petition, along with IA, will be listed for hearing on **18.3.2026**.

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