

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 153/MP/2026

Subject : Petition under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 65, 66, 67 and 68 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking compensation for loss of capacity charge on account of inadequate availability of fuel/gas and relaxation in the norms of Normative Plant Availability Factor (NAPAF) in terms of Regulation 70(A)(a) as read with Regulation 102 (Power to Relax) and Regulation 103 (Power to remove difficulty) of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2024 in respect of the Agartala Gas Based Power Station.

Petitioner : NEEPCO

Respondent(s) : APDCL & 8 Ors.

Date of hearing : **17.9.2026**

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

Parties Present : Ms. Poorva Saigal, Advocate, NEEPCO
Ms. Shirin Gupta, Advocate, NEEPCO
Ms. Kaavya Madaan, Advocate, NEEPCO
Ms. Sisrikhya Dutta, Advocate, APDCL

Record of Proceedings

The matter was called out for hearing in hybrid mode.

2. During the hearing, the learned counsel for the Petitioner sought permission to amend the claims in the Petition pertaining to fixed charges and to place the recent tariff order on record. The learned counsel for the Respondent, APDCL, sought time to file its reply.

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

(a) The Petitioner to file the following additional information, along with amended claims, on or before **13.10.2026**, after serving a copy on the Respondents:

(i) *The relevant provisions of the GSPA relating to Liquidated Damages (LD) for shortfall/ non-supply of contracted gas, and provide details of whether any claim for LD was raised against the supplier for the gas shortfall during the period 24.3.2015 to 30.9.2018, along with copies of the claim notices, amount claimed, amount recovered/settled, and the present status thereof. In case no claim was raised or recovered, the Petitioner shall explain the reasons therefor.*



(ii) The relevant Force Majeure clause(s) of the GSPA and clarify whether the gas shortage during the period 24.3.2015 to 30.9.2018 was invoked as a Force Majeure event by issuing notice to the supplier. If so, the Petitioner shall furnish copies of the Force Majeure notice and supplier's response; if not, the Petitioner shall explain the reasons for not invoking the Force Majeure provisions.

(b) The Respondents to file a reply, on or before **30.10.2026**, after serving a copy to the Petitioner, who may file its rejoinder, if any, on or before **17.11.2026**.

4. The Petition shall be listed for hearing on **8.12.2026**.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**