

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 179/MP/2023

Subject : Petition under Section 11(2) of the Electricity Act, 2003 read with 79 of the Electricity Act, 2003, along with Regulation 111-113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 inter-alia seeking a declaration/direction with regard to the principles/ methodology to be adopted for computation of the rate/ compensation at which such supply of power to Respondent Nos. 1 to 8 for the period between being 15.03.2023 to 16.06.2023, or such other period as extended by Ministry of Power from time to time, based on principles laid down with respect to Section 11(2) of the Electricity Act, 2003.

Petitioner : Tata Power Company Limited (TPCL)

Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) & Ors.

Petition No. 13/RP/2026 along with IA No. 83/2026

Subject : Review Petition under Section 94(1)(f) of the Electricity Act, 2003, read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 103 (1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, for Review of Interim Order dated 29.4.2026 of the Commission in Petition No. 179/MP/2023.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Tata Power Company Limited (TPCL) & Ors.

Date of Hearing : **20.8.2026**

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

Parties Present : Shri Sanjay Sen, Sr. Advocate, TPCL
Shri Shryeshth Ramesh Sharma, Advocate, TPCL
Ms. Shambhavi Jha, Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Shri Vedant Choudhary, Advocate, TPCL
Shri Aashwyn Singh, Advocate, TPCL
Ms. Vandana Ragwani, Advocate, TPCL
Ms. Devishi Gupta, Advocate, TPCL
Shri M G Ramachandran, Sr. Advocate, GUVNL, PSPCL and HPPC
Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Shrishti Khindaria, Advocate, GUVNL
Shri Abhigy Goswami, Advocate, GUVNL
Shri Vipul Lathiya, GUVNL



Shri Tushar Mathur, Advocate, MSEDCL
Shri Anand Ganesan, Advocate, Rajasthan Discoms
Shri Amal Nair, Advocate, Rajasthan Discoms
Ms. Devyani Prasad, Advocate, Rajasthan Discoms
Ms. Poorva Saigal, Advocate, PSPCL & HPPC
Shri Rishabh Saxena, Advocate, PSPCL & HPPC
Ms. Shree Dwivedi, Advocate, PSPCL & HPPC

Record of Proceedings

Learned senior counsel for the Petitioner, TPCL in Petition No. 179/MP/2023 made detailed submissions and concluded his arguments in the matter. He also pointed out that the Commission has passed an interim order dated 10.3.2025 in Petition No. 179/MP/2023. GUVNL challenged the same before APTEL in Appeal No. 122 of 2025, and APTEL passed a judgment dated 31.10.2025, directing a limited remand and directing the Commission to compute the entitlement of the Petitioner in light of the Commission's order dated 10.3.2025 for the period from 16.4.2023 to 10.3.2025. Pursuant thereto, the Commission again passed the interim order on 29.4.2026. He further submitted that TPCL has complied with all the Commission's directions and filed the requisite information on affidavits as and when directed by the Commission vide several Records of Proceedings. He referred to the affidavits and made elaborate submissions on the information as provided by TPCL.

2. Learned senior counsel for the Respondent, GUVNL, submitted that the Petitioner, in support of its calculations, has only provided Excel sheets without any supporting documents, i.e. bill of entry, and details of shipment, etc. He further added that the 3.1.2023 order specifically states that the Petitioner is entitled to shipping transportation as per the rate prescribed under PPA. However, the Petitioner is claiming much more than the PPA rates indirectly under the CFR route. In respect of mining profits, he pointed out that the Petitioner is liable to pay the mining profits even if the Petitioner is not getting coal from its linked Indonesian coal mine. As per the specific coal consumption calculated on the basis of information provided by the Petitioner, GUVNL is entitled to Rs. 0.15 paisa mining profit adjustment. He further submitted that the Petitioner is shying away from producing certain documents on the pretext that the Commission has not directed the Petitioner to do so. The Petitioner has wrongly submitted that it is unable to segregate the CFR into FOB price. In this regard, he added that the Petitioner has provided invoices for the same shipments in the Supplementary Power Purchase Agreements (SPPA) executed as a part of the bilateral agreement between the parties. He further added that as the Petitioner has segregated the same shipments from the CFR into FOB price for the purpose of SPPA, such conduct amounts to perjury. He also submitted that the Commission consider letters dated 27.5.2026 and 9.6.2026 and that the Petitioner be directed to produce certain documents not submitted by it. He sought liberty to file an additional affidavit in the matter and also sought to make detailed arguments in the matter on the next date of hearing.

3. In response, learned senior counsel for TPCL submitted that such request of GUVNL cannot be entertained by way of letters dated 27.5.2026 and 9.6.2026. He also requested that the matter be listed in the afternoon session on a short date.

4. Considering the above, the Commission permitted GUVNL to file its additional affidavit in the matter within four days with a copy to the Petitioner, who may file its response thereto, within four days thereafter.

5. The Petitions remained part-heard and will be listed for hearing on **10.9.2026 at 2.30 P.M.**

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

