

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 469/MP/2024

Subject : Petition under Sections 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes in relation to the claims of Adani Power Limited for Part Load Compensation purportedly under the IEGC for FY 2021-22, 2022-23, 2023-24 & 2024-25 and other reliefs.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondents : Adani Power Limited (APL) and Ors.

Petition No. 252/MP/2024

Subject : Petition under Sections 61 read with 79 of the Electricity Act, 2003 read with Regulation 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (amended from time to time) and this Commission's Order No. L-1/219/2017/CERC dated 05.05.2017 for seeking, inter-alia, implementation of the said Regulation 6.3B and Order dated 05.05.2017 and directions to the Respondent No. 1 for making payment for Degradation of Heat Rate, Auxiliary Power Consumption compensation and Secondary Fuel Oil consumption on account of Part Load Operation and Multiple Start/Stop of Unit nos. 1 to 4 (330x4 MW) & Unit nos. 5 to 6 (660x2 MW) of Adani Power Limited out of total capacity of its Mundra Power Plant 4620 MW (i.e., Unit nos. 1 to 4 (330x4 MW) & Unit Nos. 5 to 9 (660x5 MW), located in Mundra, Kutch, Gujarat.

Petitioner : Adani Power Limited (APL)

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

Date of Hearing : **6.5.2026**

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

Parties Present : Ms. Ranjitha Ramachandran, Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Shri Amit Kapur, Advocate, APL
Shri Gaurav Dudeja, Advocate, APL
Shri Anant Singh, Advocate, APL
Shri Dhruval Singh, Advocate, APL
Shri Prithu Chawla, Advocate, APL
Shri Alok Mishra, WRLDC

Record of Proceedings

Since these Petitions are in the nature of cross-Petitions, they were taken up for the hearing together.

2. Learned counsel for APL in Petition No. 252/MP/2024 submitted that the Petitioner is entitled to compensation for part-load operation of Units-1 to 6 of the Mundra Thermal Power Plant. He contended that the Mundra Project constitutes a composite scheme and an Inter-State Generating Station (ISGS) falling within the exclusive regulatory jurisdiction of this Commission, as established by the Hon`ble Supreme Court in the case of *Energy Watchdog v. CERC*. He argued that Regulation 6.3B of the Indian Electricity Grid Code (hereinafter referred to as "IEGC"), 2010, read with the Part Load Compensation Order, applies to the Petitioner irrespective of whether the scheduling is controlled by the SLDC or RLDC, as the Petitioner's tariff is determined/ adopted by the Commission. Relying on the Commission's orders in *Tata Power Delhi Distribution Ltd. v. Jhajar Power Ltd.* and *MB Power (Madhya Pradesh) Ltd. v. PTC India Ltd.*, he submitted that the statutory provisions of the IEGC, framed under Section 178 of the Electricity Act, override contractual stipulations in the Supplementary PPAs and Settlement Deeds, as upheld in *PTC India Ltd. v. CERC*. He further emphasised that procedural lapses, such as the non-issuance of a compensation statement by the WRPC, cannot defeat the substantive right to compensation, as procedural laws are intended to be handmaidens of justice. Concluding his submissions, he highlighted that the Petitioner was forced to operate at significantly low load factors due to GUVNL's poor scheduling, thereby entitling them to relief for the consequent heat rate degradation and auxiliary consumption.

3. Learned counsel for GUVNL, in Petition No. 469/MP/2024, submitted that the primary issue is the eligibility of APL for compensation under Regulation 6.3B of the IEGC 2010, rather than the jurisdiction of the Commission over APL. She argued that neither APL's tariff is determined or adopted by this Commission nor has there been any direction by the concerned RLDC, and therefore, APL does not meet the specific criteria specified under Regulation 6.3B (3) for claiming part-load compensation. She further contended that APL, operating under the SLDC control area, does not fall within the definition of a 'Regional Entity' and consequently, the provisions for part-load compensation under IEGC 2023 are also not attracted. She distinguished the reliance placed on the Commission's orders in *MB Power* and *Tata Power*, arguing that, unlike the present matter, where the WRPC has refused to issue a compensation certificate, the disputes in those cases were merely procedural regarding the mode of payment rather than the eligibility for compensation. Also, the *Tata Power* order did not involve the issue of interpretation of Regulation 6.3B (3) of IEGC 2010. She also pointed out that APL, for the first time, approached WRPC regarding its part-load compensation claims only in May 2024, and WRPC, vide letter dated 28.5.2024, while stating that the provisions of the part-load compensation under IEGC do not apply to it, requested APL to approach the competent authority to examine its case. She further submitted that APL cannot claim any relief given its failure to comply with the mandatory procedural verification requirements stipulated under the Regulations and the Detailed Procedure issued thereunder. She also raised concerns over APL's conduct in

uploading the invoices on the PRAAPTI Portal despite the absence of the requisite certification from WRPC.

4. Due to a paucity of time, the arguments of the learned counsel for GUVNL could not be concluded, and the matters were adjourned. In the meantime, GUVNL was also directed to file its note of arguments/ written submissions within two weeks, with a copy to APL.

5. The matters remained **part-heard** and will be listed for hearing on **14.7.2026 at 2.30 P.M.**

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