

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 340/MP/2022

Subject : Petition under Section 79(1) (b) and Section 79(1) (f) of Electricity Act, 2003 read with Article 22.4 of Pilot Agreement for Procurement of Power dated 26.10.2018 executed between IL&FS Tamil Nadu Power Company Ltd. and PTC India Limited for recovery of (i) outstanding Monthly Invoices (ii) Delayed Payment Interest (iii) compensation for under-scheduling (iv) charges for minimum guaranteed off-take of 55% against the deemed full availability and (v) O&M Expenses and interest on debt.

Petitioner : IL & FS Tamil Nadu Power Company Limited (ITNPCL)

Respondent : PTC India Limited (PTCIL) and Anr.

Petition No. 341/MP/2022

Subject : Petition under Section 79, including 79(1)(b), 79 (1)(f) and 79 (1)(k) of the Electricity Act, 2003, seeking payment of the outstanding amount in terms of the Power Purchase Agreement dated 12.12.2013 executed between the Petitioner and the Respondent, TANGEDCO.

Petitioner : IL & FS Tamil Nadu Power Company Limited

Respondent : Tamil Nadu Generation and Distribution Corp. Limited (TANGEDCO)

Date of Hearing : **13.8.2026**

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

Parties Present : Shri Hemant Singh, Advocate, ITNPCL
Ms. Lavanya Panwar, Advocate, ITNPCL
Shri Harshit Singh, Advocate, ITNPCL
Ms. Supriya Agarwal, Advocate, ITNPCL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO
Shri Manav Saluja, Advocate, TANGEDCO
Shri Ravi Kishore, Advocate, PTC
Ms. Deepti Dash, Advocate, PTC

Record of Proceedings

At the outset, the learned counsel for TANGEDCO sought additional time for seeking instructions in respect of the additional affidavit filed by the Petitioner dated



7.8.2026 in Petition No. 341/MP/2022. She also requested that both the matters be taken up for hearing thereafter. Learned counsel for the Petitioner did not oppose such request; however, requested the listing of the matter on a short date. Accordingly, the matters were adjourned.

2. The Commission further directed the parties to file the following information, on affidavit, within three weeks with a copy to the other side, who may also file their response, if any, within two weeks thereafter.

Petition No. 340/MP/2022

Petitioner:

- (i) With regard to the claim of ₹560.23 crore towards minimum guaranteed off-take of 55% against deemed full availability for the period October 2021 to March 2022, clarify the basis of the claim despite discontinuation of supply w.e.f. 4.10.2021, including:
 - (a) the relevant provisions of the PAPP and Ministry of Power Orders dated 28.6.2019/17.7.2019 relied upon in support of the claim;
 - (b) a month-wise tabulated statement showing the declared availability, quantum of power scheduled, actual power supplied and quantum claimed on deemed generation basis;
 - (c) a month-wise tabulated computation of the claim, indicating deemed generation/MU, applicable rate and amount claimed; and
 - (d) clarify whether the unsupplied capacity was sold or scheduled to any third party under Article 12.2 of the PAPP and, if so, furnish a month-wise tabulation of the quantum, buyer, rate and revenue realised.
- (ii) Details regarding the Letter(s) of Credit furnished by PTC, including:
 - (a) how and on what basis the Letter(s) of Credit were conditional, including the nature and details of the conditions imposed therein; and
 - (b) the basis for such conditions not being in conformity with the payment security mechanism under the PAPP and the relevant Ministry of Power Orders.
- (iii) Clarify the basis and relevant provisions of the PAPP for claiming O&M expenses and interest on debt for October 2021 to March 2022, despite discontinuation of supply w.e.f. 4.10.2021. In this regard, furnish:
 - (a) the basis and computation of the claim;
 - (b) the nature and quantum of O&M expenses and interest on debt incurred during the said period; and
 - (c) whether any part thereof has already been included or recovered under the tariff or any other claim.

Respondents:

- (i) Clarify the basis and relevant provisions of the PAPP for denying O&M expenses and interest on debt for October 2021 to March 2022, despite the Petitioner's continued declaration of availability.

(ii) With reference to Articles 11.1 and 11.5 of the PAPP and corresponding provisions of the PPSA, clarify whether PTC's payment obligation to ITPCL is contingent upon receipt of payment from TNPDCCL.

(iii) A tabulated statement of payment made pursuant to the orders of the Hon'ble Madras High Court, indicating:

- (a) amount deposited by TANGEDCO/TNPDCCL;
- (b) amount released by PTC to ITPCL;
- (c) amount, if any, retained/deducted by PTC; and
- (d) basis and computation of such retention/deduction.

Petition No. 341/MP/2022

Petitioner:

(i) Furnish a tabulated breakup of the amounts claimed under the present Petition, indicating:

- (a) the amount claimed under each head;
- (b) the amount admitted/paid by TANGEDCO;
- (c) the amount disputed and basis thereof; and
- (d) the amount presently remaining unpaid/disputed.

(ii) Justify discontinuation/regulation of supply w.e.f. 10.10.2021 under the PPA and applicable MoP Orders, including the relevant provisions relied upon for claiming capacity charges during the period of discontinued/regulation of supply, and furnish a break-up of the 1,200 MW capacity showing:

- (a) capacity contracted/supplied to TANGEDCO; and
- (b) capacity scheduled for supply to other Discoms/third parties, with details of the parties, quantum and period.

Respondents:

(i) Furnish a tabulated breakup of the amounts disputed under the present Petition, indicating:

- (a) the amount disputed under each head;
- (b) the basis for such dispute; and
- (c) the amount, if any, subsequently paid. In particular, indicate the basis of the limitation objection in respect of the January 2017 claim and the basis of the exchange-rate dispute in respect of the July 2021 claim.

(ii) Clarify why the Petitioner is not entitled to capacity charges during the period of discontinued/regulation of supply, with reference to the relevant provisions of the PPA and applicable MoP Orders.

3. The matters will be listed for hearing on **15.10.2026**.

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