

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 362/MP/2026

Subject : Petition under Sections 79(1)(a) and 79(1)(f) of the Electricity Act, 2003 read with the provisions of the CERC (Terms and Conditions of Tariff) Regulations, 2024; the CERC (Indian Electricity Grid Code) Regulations, 2023; the CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 as amended by the Second Amendment Regulations, 2025, and the PPA dated 05.01.2011, seeking adjudication of the dispute regarding non-payment of dues towards infirm power injected by Unit-I (660 MW) of the Buxar Thermal Power Project during the period from 21.08.2025 to 13.11.2025, direction for payment of ₹82.04 Crores along with Late Payment Surcharge, and ancillary reliefs.

Petitioner : STPL

Respondent : BSPHCL and 2 others

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 : Ms. Anushree Bardhan, Advocate, STPL
Ms. Rashmi Vaish, Advocate, STPL
Mr. Pintu Das, STPL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that Unit-I (660 MW) of the Buxar Thermal Power Project was synchronised with the grid on 21.8.2025 and achieved COD on 14.11.2025. During the intervening period, the Unit injected 401.87 MU of infirm power into the grid. Based on the certified energy data, the Petitioner claimed ₹82.04 crore from the Respondents, NBPDC and SBPDCL, towards the infirm power. The learned counsel submitted that, in terms of Clause 7.2 of the PPA read with the CERC DSM Regulations, 2024, the infirm power is payable at the ceiling rate of ₹2.86/kWh. However, the Respondents have not made the payment and have disputed the applicability of the said rate and the Commission's jurisdiction. He added that the Commission has jurisdiction under the Electricity Act, 2003 and that the CERC DSM Regulations, 2024 are applicable to the infirm power injected during the relevant period.

2. The Commission, after hearing the learned counsel for the Petitioner, directed as under:

(a) Issue notice to the Respondents, subject to just exceptions.



(b) The Respondents are permitted to file their replies, on or before **18.9.2026**, after serving a copy on the Petitioner, who may file its rejoinder, if any, by **2.10.2026**.

3. The Petition will be listed for hearing on **3.11.2026**.

By order of the Commission

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

