

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.375/MP/2026

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003, read with Article 18.1 of the Power Purchase Agreement dated 22.04.2007 entered into between Gujarat Urja Vikas Nigam Limited and Tata Power Company Limited seeking approval of the Second Supplemental Power Purchase Agreement dated 23.03.2026.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)

Respondent : Tata Power Company Limited (TPCL)

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 : Ms. Ranjitha Ramachandran, Advocate, GUVNL
Shri Aneesh Bajaj, Advocate, GUVNL
Shri Shryesth Ramesh Sharma, Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Shri Aashwyn Singh, Advocate, TPCL
Shri Vedant Choudhary, Advocate, TPCL
Ms. Shambhavi Jha, Advocate, TPCL
Ms. Vandana Ragwani, Advocate, TPCL
Shri R Jatin Katiyar, Advocate, TPCL

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition seeks approval of the Second Supplemental Power Purchase Agreement dated 23.3.2026, entered into between the Petitioner/GUVNL and Respondent/TPCL, amending the Power Purchase Agreement dated 22.4.2007 read with the First Supplemental Power Purchase Agreement dated 31.7.2008.

2. The learned counsel for the Respondent/TPCL accepted the notice and sought time to file a brief reply in the matter.
3. After hearing the learned counsel for the parties, the Commission directed as under:
 - (a) Admit subject to just exceptions.
 - (b) The Respondent to file its reply within three weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.
 - (c) The Petitioner and Respondent to also file their respective submissions on the following aspects within three weeks:



(i) Jurisdiction to approve the agreement between a generating company and the distribution licensee, including amendments thereto, lies under Section 79(1)(b) of the Act or under Section 86(1)(b) of the Act?

(ii) Whether the powers to regulate the tariff of generating companies having a composite scheme for generation and sale of electricity in more than one State under Section 79(1)(b) of the Act include the approval of an agreement between such generating company and distribution licensee, particularly when such function otherwise appears to be expressly entrusted under Section 86(1)(b) of the Act. Does the principle of interpretation "*generalia specialibus non-derogant*" apply in this case?

(iii) Whether powers to determine the tariff of a generating company under Section 62 or Section 63, as the case may be, read with Section 79 of the Act, enable the Central Commission to grant approval or disapproval to the agreement (or amendments thereto) between such generating company and the distribution licensee? Clarify in view of the mandate of Rule 8 of the Electricity Rules, 2005.

(iv) In the present factual context, whether the Second Supplemental PPA dated 23.03.2026 signed by the Parties will, at any stage, be placed before the State Commission for its approval under Section 86(1)(b) of the Act read with Rule 8 of the Electricity Rules, 2005?

4. The Petition will be listed for hearing on **6.10.2026**.

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