

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 376/MP/2023

Subject : Petition under sections 79(1)(f) and (k) of the Electricity Act, 2003 for adjudication of disputes between the parties on the wrongful recovery and appropriation of amounts by GUVNL.

Petitioner : KSK Mahanadi Power Company Limited

Respondent : Gujarat Urja Vikas Nigam Limited

Date of Hearing : **11.8.2026**

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

Parties Present : Shri Anand Ganesan, Advocate, KSKMPCL
Ms. Swapna Sheshadri, Advocate, KSKMPCL
Ms. Harsha Rao, Advocate, KSKMPCL
Shri Vaibhav Sharma, Advocate, KSKMPCL
Ms. Aishwarya Subramani, Advocate, KSKMPCL
Shri M. G. Ramachandran, Sr. Advocate, GUVNL
Ms. Srishti Khindaria, Advocate, GUVNL
Mr. Abhigy Goswami, Advocate, GUVNL

Record of Proceedings

The learned counsels for the parties argued at length and reiterated the submission made in the pleadings. The parties are permitted to file their respective written submissions on or before **28.8.2026**, after serving a copy on each other.

2. The parties are directed to clarify on an affidavit within two weeks whether the tapering linkage coal was intended for Units 1, 2 and 3 of KSK Mahanadi, as referred to in the letter dated 16.01.2014, or for Units 4, 5 and 6 identified as the Power Generation Source under Schedule 5 of the PPA, and the basis for the discrepancy in the unit numbers?

3. The Petitioner is directed to file the following information/clarification on an affidavit within two weeks:

(a) Clarify that KSK Mahanadi is not liable for penalties for non-fulfilment of contractual obligations on the ground that the PPA was not approved by GERC, particularly when it had obtained Mega Power Project status and achieved financial closure on the strength of the said PPA, and how, in these circumstances, it can be contended that no valid contract existed between the parties. Submit a copy of the letters confirming Mega Power Project status and copies of documents submitted to the Ministry of Power seeking Mega Power



Project status, and the details of financial closure achieved with various Financial Institutions/Banks, etc., along with copies of sanction letters.

(b) Details regarding quantity of coal received under tapering linkage, period of coal receipt under tapering linkage, electricity generation unit-wise, electricity so generated sold to the parties, agreement between the petitioner and the purchaser, invoices raised for sale of energy, amount receivable/ received towards sale of energy and the date of receipt of payment, and Fuel supply agreement with the Coal India Ltd. and PPA, if any, provided for receiving the Tapering coal linkage.

(c) Whether KSK ever sought fuel cost pass-through, Change in Law relief, force majeure relief, or extension of SDD from GUVNL/CERC/GERC.

(d) Furnish, on a plant/unit-wise basis, details of the installed capacity and date of commercial operation (COD), along with financial year-wise details of declared capability, generation, and sale of power, limited to the period from August 2013 to 30 June 2015.

4. Subject to the above, an order in the matter was reserved.

By order of the Commission

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

