

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 432/MP/2019 along with IA No. 82/2023 & 111/2025

Subject : Petition under Section 79 of Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Power Purchase Agreement dated 7.8.2007 seeking compensation on account of increased cost incurred by Sasan Power Limited consequent to default of Procurers.

Petitioner : Sasan Power Limited

Respondent : MPPMCL and 13 others.

Date of Hearing : **16.4.2026**

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

Parties Present : Shri Venkatesh, Advocate, SPL
Ms. Megharanjani Chandu, Advocate, SPL
Shri Siddharth Nigotia, Advocate, SPL
Shri M.G Ramachandran, Sr. Advocate, HPPC & Rajasthan Discoms
Ms. Poorva Saigal, Advocate, HPPC & Rajasthan Discoms
Ms. Pallavi Saigal, Advocate, HPPC & Rajasthan Discoms
Ms. Reeha Singh, Advocate, HPPC & Rajasthan Discoms
Ms. Shree Dwivedi, Advocate, HPPC & Rajasthan Discoms
Shri G. Umapathy, Sr. Advocate, MPPMCL
Shri Aditya Singh, Advocate, MPPMCL
Shri Kunal Singh, Advocate, TPDDL
Shri Tanmay Jain, Advocate, TPDDL
Ms. Kanishka Rawat, Advocate, TPDDL
Shri Sakya Singha Chaudhary, Advocate, PSPCL
Ms. Shreya Dubey, Advocate, PSPCL
Ms. Asmita Narula, Advocate, PSPCL
Shri Hasan Murtaza, Advocate, BRPL
Shri Sameer Sharma, Advocate, BRPL
Shri Ankit K Sinha, Advocate, BRPL

Record of Proceedings

The case was called out through a hybrid mode.

2. The learned counsel for the Petitioner submitted that the scope of the present matter is now confined to the limited question of whether the dispute ought to be referred to arbitration. He further submitted as under:



- (a) The disputes which are non-tariff in nature, as in the present case, are liable to be referred to arbitration, in terms of the APTEL judgment dated 28.8.2024 in Appeal No. 309 of 2019 (*DVC case*).
 - (b) The Commission, in its order dated 19.11.2025 in Petition No. 85/MP/2022 (*CGPL case*), has followed the principle laid down in the aforementioned DVC case and has referred similar disputes to arbitration.
 - (c) However, in appeal against order dated 19.11.2025, the APTEL vide its judgment dated 25.2.2026 in Appeal No. 400 of 2025, has *inter alia*, examined the scope of Section 79(1)(f) of the Electricity Act, 2003 and observed that disputes involving regulatory functions or having implications on tariff are non-arbitrable.
 - (d) In view of certain observations in the APTEL judgment dated 25.2.2026, which have led to ambiguity as regards adjudication vis-à-vis reference to arbitration, a review petition has been filed before the APTEL, which is listed for hearing on 6.5.2026.
3. Accordingly, the learned counsel for the Petitioner requested that the matter be adjourned, since the outcome of the review petition would have a direct bearing on the present case, including whether the dispute is to be adjudicated by the Commission or referred to arbitration.
4. The learned senior counsels for Respondents MPPMCL, HPPC, and Rajasthan Discoms did not object to the request for adjournment. However, the learned senior counsel for MPPMCL submitted that the DVC case is distinguishable on the facts and that the dispute in the present case has implications on tariff and is therefore liable to be adjudicated by the Commission.
5. The Commission, after hearing the parties, adjourned the matter.
6. The Petition will be listed for hearing on **4.6.2026**.

By order of the Commission

sd/-

(T.D. Pant)
Joint Chief (Law)

