

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 617/MP/2020

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 *inter alia* seeking recovery of compensation illegally and wrongfully deducted by PTC India Limited from the Petitioner qua alleged non-supply of power from the period commencing from February, 2012 to May, 2012.

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondents : PTC India Limited (PTCIL and Ors.

Date of Hearing : **20.1.2026**

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, BALCO
Ms. Surpiya Rastogi Agarwal, Advocate, BALCO
Shri Harshit Singh, Advocate, BALCO
Shri Devansh Pundir, Advocate, BALCO
Shri Ravi Kishore, Advocate, PTCIL
Shri Shidhant Kumar, Advocate, AP Discoms
Ms. Eksha Kashyap, Advocate, AP Discoms

Record of Proceedings

Learned counsel for the Petitioner submitted that, in terms of the direction issued *vide* Record of Proceedings for the hearing dated 28.8.2025, the Petitioner has filed an affidavit dated 15.9.2025 stating that the Petitioner has no issue as to whether this Commission adjudicates the Petition by invoking its adjudicatory powers or refers the same to arbitration. The learned counsel further submitted that the prayers made in this case clearly reveal that the dispute relates to the payment of compensation for the alleged breach of the agreement, and has no impact on the tariff. The learned counsel further referred to para 25 of the APTEL's judgment dated 28.8.2024 in Appeal No. 309 of 2019 (MPPMCL v. DVC and Anr.) and submitted that the disputes related to breach of contract, which do not impact the tariff either directly or indirectly, are non-tariff disputes referable to arbitration. The learned counsel added that both PPAs, i.e. the PPA between the Petitioner and PTCIL, and the PPA between PTCIL and Discoms, contain an arbitration clause.

2. Learned counsel for the Respondent, PTCIL, submitted that the dispute in this case pertains to the liability of compensation on account of Force Majeure, and hence, squarely falls within the adjudicatory jurisdiction of this Commission. The learned counsel also placed reliance on the order dated 17.1.2026 passed in Petition No. 71/MP/2023 (MB Power (MP) Ltd. v. PTCIL and Anr.) to submit that in the said case, which involved a similar dispute, the Commission has held that it has the jurisdiction to adjudicate upon such dispute.



3. Keeping in view that the amended memo of the Parties impleading the Telangana Discoms as party to the Petition has been filed only recently, the Commission deemed it appropriate to allow them another opportunity to indicate their view on referring the dispute to arbitration. Accordingly, the Respondents, Telangana Discoms, were directed to file their affidavit indicating their view on referring the dispute to arbitration within three weeks.

4. The Petition will be listed for hearing on **17.3.2026**.

By order of the Commission
SD/-

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