

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 48/MP/2023

Subject : Petition under Section 79(1)(b) & (f) of the Electricity Act, 2003 read with relevant provisions of Power Purchase Agreements dated 22.12.2021 and 19.1.2022.

Date of Hearing : 10.5.2023

Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Jaiprakash Power Ventures Limited (JPVL)

Respondents : PTC India Limited (PTCIL) and Anr.

Parties Present : Shri Venkatesh, Advocate, JPVL
Shri Bharath Gangadharan, Advocate, JPVL
Shri Shivam Kumar, Advocate, JPVL
Shri Joginder Sindhwani, JPVL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking, *inter alia*, to set-aside the invoices dated 12.5.2022 and 7.6.2022 raised for the alleged cost incurred by Respondent No.2, Torrent Power Limited (TPL) towards purchase of power from other alternate arrangement for the period from 13.4.2022 to 14.4.2022 under Article 5.2.3(f) of the Power Purchase Agreements dated 22.12.2021 & 19.1.2022 executed between Respondent No.1, PTCIL and Respondent No.2, TPL read with Power Purchase Agreements dated 24.12.2021 & 19.1.2022 executed between the Petitioner and PTC. Learned counsel submitted that owing to the Boiler Tube Leakage on 12.4.2022, one unit (660 MW) of the Petitioner's Project was put under forced outage affecting the Petitioner's ability to supply the power to all its beneficiaries including TPL. However, the Respondent, TPL, for the period of forced outage of its unit i.e. 12.4.2022 to 14.4.2022, sought to invoke Article 5.3.3(f) of the PPAs and claimed by aforesaid invoices its entitlement towards the reimbursement of additional cost borne by it arranging the replacement of power citing the supply of power by the Petitioner over the Power Exchange. Learned counsel submitted that said invoices are untenable as the PPAs, at Article 5.2.3(a), permitted the deviation of power upto 20% without any penalty and Article 5.2.3(f) gets triggered only when deviation level is above 20%. Learned counsel also added that since the subsequent revision of the power booked on Power Exchange was not permissible, the Petitioner had no other option but to sell the power as booked on Power Exchange.

2. After hearing the learned counsel for the Petitioner, the Commission ordered as under:



- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply, if any, within six weeks with copy to the Petitioner who may file its rejoinder, within six weeks thereafter.
- (c) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.
3. The Petition shall be listed for hearing on 13.9.2023.

By order of the Commission

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