

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 83/MP/2016

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 17 of Power Purchase Agreement dated 7.8.2007 between Sasan Power Limited.

Date of hearing : 26.5.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : M.P. Power Management Co. Ltd.

Respondents : Sasan Power Ltd. and others

Parties present : Shri G. Umapathy, Advocate, MPPML
Shri. J.J. Bhatt, Sr. Advocate, SPL

Record of Proceedings

Learned counsel for the petitioner mentioned the matter and submitted the hard copies of the petition. Learned counsel submitted that the petitioner would be filing the petition through e-filing portal within next two days.

2. Learned counsel for the petitioner submitted that petition has been filed seeking to quash the notice dated 20.5.2016 issued by the Respondent No.1, Sasan Power Ltd. (SPL) to WRLDC for the Regulation of Power Supply on account of non-payment of dues by the petitioner under PPA dated 7.8.2007 entered into between the petitioner and Sasan Power Limited and other procurers. Learned counsel submitted that pursuant to the APTEL judgment dated 31.3.2016 deciding the COD as 31.3.2013, SPL issued a notice dated 21.5.2016 to the petitioner invoking Article 11.5 of the PPA and Regulation 4 of the Power Supply Regulations, 2010 stating *inter-alia* that as on 18.5.2016 an amount of Rs. 205 crore is payable by the petitioner and unless the entire amount is paid before the expiry period of 7 days from the date of notice, it would be entitled to proceed with offering part or whole of the petitioner's share in the contracted capacity to the non-defaulting parties and/or third parties. Learned counsel submitted that SPL is still not entitled to issue revised bills unless the WRPC revises its REA in light of APTEL's judgment. Learned counsel for the petitioner submitted that the

petitioner would pay Rs.100 crore to SPL before 31.5.2016 and requested the Commission to direct SPL not to discontinue power supply to the petitioner.

3. The matter was again mentioned in the afternoon by learned senior counsel for SPL and submitted that two notices have been given for Regulation of Power Supply for default in payment of dues arising out of the change in law events allowed by the Commission and on account of the dues arising out of the judgment of the Hon'ble APTEL on Sasan COD matter. Learned senior counsel submitted that some of the procurers have filed appeal before the Hon'ble Supreme Court against APTEL's judgment dated 31.3.2016 on Sasan COD matter and the matter is yet to be listed.

4. Learned senior counsel submitted that under facts of the case, the Commission may consider not to grant ex-parte stay on the notices for Regulation of Power Supply.

5. After hearing the learned counsel for the petitioner and learned senior counsel for SPL, the Commission directed to issue notice to the respondents. The Commission directed the petitioner to serve copy of the petition on the respondents immediately, if not already served.

6. The Commission directed MPPMCL to make a payment of Rs.100 crore to SPL on or before 31.5.2016 and subject to compliance of this direction, the Commission directed SPL not to take any coercive action till the next date of hearing.

7. The Commission directed to list the petition for hearing on 2.6.2016.

By order of the Commission

**SD/-
(T. Rout)
Chief (Law)**