

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.253/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Articles 11 & 22 of the Pilot Agreement for Procurement of Power dated 25.02.2019 and Pilot Power Supply Agreement dated 26.02.2019 seeking directions to PTC/Haryana Power Purchase Centre to make payment of Rs. 12,64,54,644/- claimed under Tariff Invoice dated 2.5.2020 raised by MB Power for the month of April 2020 in terms of the PPA.

Date of Hearing : 12.12.2022

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

Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)

Respondents : Haryana Power Purchase Centre (HPPC) and Anr.

Parties Present : Shri Akshat Jain, Advocate, MBPMPL
Shri Sagnik Maitra, Advocate, MBPMPL
Shri Abhishek Gupta, Advocate, MBPMPL
Shri Ravi Kishore, Advocate, PTC
Shri Keshav Singh, Advocate, PTC
Shri Shubham Arya, Advocate, HPPC
Ms. Poorva Saigal, Advocate, HPPC
Ms. Reeha Singh, Advocate, HPPC
Shri Ravi Nair, Advocate, HPPC

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that despite specific direction to file the reply by 7.11.2022, the Respondent No.1, HPPC filed its reply on 8.12.2022 whereas the Respondent No.2 has not filed any reply to the petition. Learned counsel, accordingly, sought three weeks time to file rejoinder to the reply filed by the Respondent No.1.

2. In response to the specific query of the Commission regarding issue involved being covered by the earlier order dated 20.1.2022 in Petition No. 594/MP/2020 (GMR Warora Energy Ltd. v. DNHPDCL) and need for any further oral hearing in the matter, learned counsel for the Respondent No.1 urged for one opportunity for oral hearing in the matter. Learned counsel added that the force majeure clause involved in this case is somewhat different from that in GMR case.



3. Considering the submissions of the learned counsel for the parties, the Commission again permitted the Respondent, PTC to file its reply, if any, within two weeks with copy to the Petitioner, who may file its rejoinder(s) thereon, if any, within three weeks thereafter.

4. The Petition shall be listed for hearing on 14.2.2023.

By order of the Commission

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