

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 105/MP/2023

Subject : Petition for seeking directions to CAPL to pay the balance amount in terms of Section 79 of the Electricity Act, 2003 read with Article 3.3.2 of the PPA dated 23.3.2007 between CAPL and Distribution licensees of States of Andhra Pradesh, Telangana, Maharashtra, Karnataka and Tamil Nadu, along with interest till actual date of payment and for further directions to CAPL to pay interest on delayed payment with respect to Rs. 300 crores from date of termination of PPA till date of realization of Performance Bank Guarantee.

Petitioner : APSPDCL & ors.

Respondents : CAPL & anr.

Date of Hearing : **10.8.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Sidhant Kumar, Advocate, APSPDCL
Shri Shivankar Rao, Advocate, APSPDCL
Ms. Vidhi Udayshankar, Advocate, APSPDCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the present petition has been filed to seek payment of the balance amount of Rs.100 crores (out of Rs. 400 crores) from the Respondent CAPL, in terms of the Article 3.3.2 in the PPA dated 23.3.2007 executed between the Respondent, CAPL and the Petitioners.

2. On a specific query by the Commission as to, whether the claim of the Petitioner is barred by limitation, the learned counsel for the Petitioner submitted that the petition filed in 2020, is not barred by limitation. He also submitted that the petition may be admitted and listed along with Petition No.218/MP/2022 filed by the Respondent CAPL challenging the termination of the PPA by the Petitioners.

2. After hearing the learned counsel for the Petitioner, the Commission directed the Petitioner to serve a copy of the Petition on the Respondents. The Respondents are directed to file their replies on 'maintainability' qua the limitation, as well as on 'merits', on or before **11.9.2023** after serving a copy to the Petitioner, who may, file its rejoinder, if any, on or before, **18.9.2023**.



3. The matter shall be listed for hearing along with Petition No. 218/MP/2022, on **22.9.2023**.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

