

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.108/MP/2022

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 11 and 22 of the Agreement for Procurement of Power dated 25.10.2021 seeking directions to PTC India Limited/ Kerala State Electricity Board Limited to make payment of entire Capacity Charges to Jindal India Thermal Power Limited in terms of the APP dated 25.10.2021.
- Date of Hearing : 18.8.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Jindal India Thermal Power Limited (JITPL)
- Respondents : PTC India Limited (PTCIL) and Anr.
- Parties Present : Shri Akshat Jain, Advocate, JITPL
Ms. Shefali Tripathi, Advocate, JITPL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL
Shri Dhruv Tripathi, PTCIL
Shri Prabhas Bajaj, Advocate, KSEBL
Shri Priyanshu Tyagi, Advocate, KSEBL

Record of Proceedings

During the course of the hearing, learned counsels for the Petitioner and the Respondents, PTCIL and KSEBL made detailed submissions in the matter.

2. Considering the request of the learned counsel for the parties, the Commission permitted all the parties to file their respective written submissions, if any, within three weeks.

3. The Commission directed the Petitioner, to furnish the following information on an affidavit within three weeks:

(a) Reasons for the availability declared under APP being lower than 85% and actions taken in terms of clause 10.3 of APP for day-wise, January, 2022, and February, 2022.

(b) Availability declared for day-wise, January, 2022 and February, 2022, in terms of clause 11.4.3, and day-wise availability declared on a day ahead basis.



4. The Commission further directed the Respondents, KSEBL and PTC, to confirm and indicate on an affidavit within three weeks the methodology adopted for computing fixed charges, in terms of Article 11.3.2 of the Agreement for Procurement of Power under Pilot Scheme II, in respect of the other generating companies under the same Scheme.
5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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