

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.181/MP/2021

Subject : Petition seeking issuance of appropriate directions to the Respondent to declare that the Letter of Credit opened by the Respondent is in contravention of the provisions of the PTC-PPA and Procurer-PPA and to direct the Respondent to pay compensation towards such breach of the PPA and also to impose penalty under Regulation 14C for violation of Regulation 7(c) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2009; and to direct the Respondent to refund the excess trading margin and excess rebate charged by the Respondent for the period w.e.f 31.1.2020 till opening of Payment Security Mechanism as per the Procurer-PPA, PTC-PPA and the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 issued by this Commission along with Late Payment Surcharge; and to direct that the Respondent shall not be eligible to charge trading margin exceeding 2 paise/kWh till such time the Respondent opens Payment Security Mechanism in conformity with the PTC-PPA, Procurer-PPA and the applicable Regulations of this Commission.

Petitioner : Maruti Clean Coal and Power Limited (MCCPL)

Respondents : PTC India Limited (PTCIL)

Petition No.205/MP/2022

Subject : Petition under Section 79(1)(f) read with Section 79(1)(k) of the Electricity Act, 2003 for the payment of outstanding dues towards the reimbursement of POC charges for the power supplied to the Rajasthan Discoms through the Power Trading Corporation of India within the scope of the Power Purchase Agreement dated 1.11.2013 (PTC-PPA) executed between the Petitioner and PTC and as per the terms of back-to-back Power Purchase Agreement executed by PTC with Rajasthan Urja Vikas Nigam Limited (RVUNL) referred to as the Procurers' PPA dated 1.11.2013.

Petitioner : Maruti Clean Coal and Power Limited (MCCPL)

Respondents : PTC India Limited (PTCIL) and 4 Ors.

Date of Hearing : **11.10.2023**

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



Shri P. K. Singh, Member

Parties Present : Shri Nipun Dave, Advocate, MCCPL
Shri Ravi Kishore, Advocate, PTCIL
Shri Keshav Singh, Advocate, PTCIL
Ms. Swapna Seshadri, Advocate, RUVNL
Shri Amal Nair, Advocate, RUVNL
Ms. Shivani Verma, Advocate, RUVNL
Ms. Kritika Khanna, Advocate, RUVNL

Record of Proceedings

At the outset, the learned counsel for the Respondent, PTCIL prayed for an adjournment on the ground of the non-availability of arguing counsel, which was not opposed by the learned counsel for the Petitioner. Accordingly, the matters were adjourned.

2. The Commission directed the Respondent, PTC to file the following information on an affidavit in Petition No. 205/MP/2022 within three weeks:

(a) In the details of the billing as submitted by PTC vide affidavit dated 6.9.2023, the date of payment of the PoC bill received from JDVVNL has been mentioned as 26.6.2020, 30.6.2020 and 1.7.2020, for the bills raised on 9.9.2021. It is not clear how the payment receipt happened in June 2020 before raising the bill was in the month of September 2020. It appears certain errors while submitting data by PTC as per the RoP dated 31.7.2023. PTC is directed to submit the correct data in this regard; and

(b) The Petitioner had raised the PoC bill to PTC for the month of November 2019 on 24.1.2020. However, PTC had raised the PoC bill on Rajasthan Discoms only on 21.5.2020 i.e. with a delay of 4 months. For other months also, there was a similar delay by PTC. PTC to provide the reason for the delay in the raising of these PoC bills to Rajasthan Discoms.

2. The Petitions will be listed for hearing on **22.12.2023**.

By order of the Commission

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