

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 320/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for direction to UPPCL to make payment of balance outstanding, accumulated out of part payment of twelve quarter interest free instalments, along with interest (to be applicable from commencement of payment of instalments) to the Petitioner.

Petitioner : MPPMCL

Respondent : UPPCL

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 G. Umapathy, Senior Advocate, MPPMCL
Shri Aditya Singh, Advocate, MPPMCL
Shri Sanjay Sen, Senior Advocate, UPPCL
Ms. Mandakini Ghosh, Advocate, UPPCL
Ms. Puja Priyadarshini, Advocate, UPPCL
Shri Devyanshu Sharma, Advocate, UPPCL

Record of Proceedings

The learned Senior counsel for the Petitioner made detailed oral submissions and also pointed out that the Respondent has filed its reply only on 'maintainability', (and not on merits) despite the directions of the Commission vide ROP of the hearing dated 13.4.2023.

2. The learned Senior counsel for the Respondent UPPCL clarified that its reply on 'maintainability' has been filed in order to consider the question of the jurisdiction of this Commission to adjudicate the matter. He further submitted that the jurisdiction of this Commission would not be attracted, as the parties had settled the matter vide MoM dated 9.8.2019.

3. In response to the above, the learned Senior counsel for the Petitioner submitted that the agreement between the parties does not oust the jurisdiction of this Commission, as the same was pursuant to the Commission's order dated 2.1.2014 in Petition No. 45/2010.

4. The Commission, after hearing the parties, adjourned the hearing of the Petition. The Commission, however, directed the Respondent to file its reply on 'merits' also, on or before **31.8.2023**, after serving a copy to the Petitioner, who may, file its rejoinder, if any by **15.9.2023**.



5. The Petition is to be listed for hearing on **29.9.2023**.

By order of the Commission

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

