

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 212/MP/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of Order: 31st October, 2023

In the matter of

Petition under Sections 11 and 79 of the Electricity Act 2003 seeking directions to Kerala State Electricity Board Limited to make payment towards the cost of imported coal used by Jindal India Thermal Power Limited for generation and supply of power to KSEBL in compliance of Ministry of Power statutory directions dated 26.05.2022 issued under Section 11 of the Electricity Act and Clarification dated 21.03.2023.

And

In the matter of

Jindal India Thermal Power Limited,
Habitat India, C-3, Qutab Institutional Area,
Katwaria Sarai, New Delhi- 110016

Petitioner

Vs.

1. Kerala State Electricity Board Limited,
8th Floor, Vidyuthi Bhavanam, Pattom,
Thiruvananthpuram – 695004, Kerala

2. PTC India Limited,
2nd Floor, NBCC Tower, 15,
Bhikaji Cama Place,
New Delhi – 110066

Respondents

Parties present:

Shri Vishrov Mukherjee, Advocate for the Petitioner
Shri Pratyush Singh, Advocate for the Petitioner
Ms. Anamika Rana, Advocate for the Petitioner
Shri Priyanshu Tyagi, Advocate for KSEBL
Shri Ravi Kishore, Advocate for PTC
Shri Keshab Singh, Advocate for PTC

ORDER

The Petitioner, Jindal India Thermal Power Limited, has filed the present
Petition with the following prayers:

“(a) Hold and declare that the Respondents (PTC/KSEBL) are mandated to make all due and just payments of all additional costs pertaining to imported coal which is procured and blended by the Petitioner/JITPL for the generation and supply of power to Respondents (PTC/KSEBL) in strict compliance of statutory directions issued by Ministry of Power under Section 11 of the Electricity Act 2003;

(b) Hold and declare that the deductions made by the Respondents (PTC/KSEBL) towards additional cost incurred by the Petitioner/JITPL for procuring and blending imported coal in express terms of the statutory directions issued by the Ministry of Power under Section 11 of the Electricity Act 2003, are illegal.

(c) Direct the Respondents (PTC/KSEBL) to make payment of Rs. 10,50,65,554 to the Petitioner /JITPL against the Invoices raised by the Petitioner to the Respondents during February 2023, March 2023 and April 2023 towards additional cost of procuring and blending imported coal;

(d) Restrain the Respondents from making any further deductions from the invoices raised by Petitioner/JITPL for the cost of imported coal till the Final disposal of the present petition.

(e) Direct KSEBL to pay interest on the unpaid amount for the period of delay calculated at a rate equal to 5% (five per cent) above the Bank Rate in terms of Article 24.3 and 24.4 of the APP dated 25.01.2021 and Article 23.3 and 23.4 of the PSA dated 27.10.2021;

(f) Determine compensation payable to JITPL under Section 11(2) of the Electricity Act in terms of the Compensation Methodology issued by MoP in order to offset the adverse financial impact on JITPL on account of compliance with Ministry of Power Section 11 Direction dated 26.5.2022; and

(g) In the interim direct Respondent (PTC/KSBEL) to make payment of 75% of the outstanding amount of Rs. 10,50,65,554 until final disposal of the present Petition; and

(h) Direct KSEBL to pay carrying cost on the cost incurred in procurement of imported coal from the date when payment was made by JITPL to Coal India for imported coal and upto the date of raising Invoice on KSEBL for power supplied using such imported coal.

(i) Pass any such other and further reliefs as this Commission deems just and proper in the nature and circumstances of the present case.”

2. The matter was called for hearing on 25.10.2023. During the course of the hearing, learned counsel for the Petitioner submitted that after hearing of the matter on 11.8.2023, the Respondent KSEBL, has made a payment of Rs. 9.11 crore towards the cost of imported coal used by the Petitioner for the supply of power. However, the

amount of Rs. 1.4 crore is yet to be paid by the Respondent. The learned counsel sought permission to withdraw the present Petition with directions to the parties to reconcile the balance amount of Rs. 1.4 crore.

3. Considering the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present Petition. The Commission directed the parties to reconcile the balance amount to be paid by the Respondent.

4. Accordingly, Petition No. 212/MP/2022 is disposed of as withdrawn.

Sd/-
(P.K.Singh)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson