

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 268/MP/2020

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 seeking reimbursement of amount incurred towards taxes and duties and arranging open access for the purpose of supply of contracted capacity of 100 MW from Noida Power Company Limited/PTC in terms of APP dated 6.4.2018 read with PPA executed on the same date.

Petitioner : SKS Power Generation (Chhattisgarh) Limited

Respondent : Noida Power Company Limited & anr.

Date of Hearing : **3.1.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Hemant Singh, Advocate, SPGCL
Shri Lakshyajit Singh Bagdwal, Advocate, SPGCL
Shri Harshit Singh, Advocate, SPGCL
Ms. Lavanya Panwar, Advocate, SPGCL
Shri M.G. Ramachandran, Senior Advocate, NPCL
Ms. Shrishti, Advocate, NPCL
Shri Tenzen Tashineu, Advocate, NPCL
Shri Saurabh Anand, Advocate, NPCL
Shri Abhishek Anand, NPCL
Shri Ravi Kishore, Advocate, PTC
Shri Keshav Singh, Advocate, PTC

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that it was required to obtain MTOA for a quantum of 108 MW by considering the transmission losses so that the Respondent NPCL receives 100 MW at the delivery point. Referring to the various clauses of the PPA, the learned counsel submitted that certain taxes/duties and levies were required to be reimbursed by the Respondent NPCL. Since the said Respondent had summarily rejected the demands of the Petitioner for reimbursement of these taxes/duties and levies, the present petition has been filed.

2. The learned Senior counsel for the Respondent NPCL submitted that since the PPA provides for the supply of the contracted capacity of 100 MW of power at the delivery point, the claim of the Petitioner for transmission charges for 108 MW is not maintainable. While pointing out that the Petitioner has not furnished any relevant documents/data, as sought by the Commission, the learned Senior counsel submitted that the reimbursement claims were rejected as the Petitioner has



enclosed only the book entries of the Company in support of its claim for reimbursement.

3. On a specific query by the Commission, whether the Petitioner had raised any supplementary bills/invoices for reimbursement of the amounts, the learned counsel for the Petitioner clarified that it had only raised a demand on the Respondent NPCL for reimbursement, which had been summarily rejected. The learned Senior counsel for the Respondent NPCL however, clarified that in terms of the provisions of the PPA, the Petitioner was required to raise supplementary bills in respect of its claims for reimbursement.

4. During the course of arguments, the learned counsel for the Petitioner proposed that the Petitioner may be permitted to approach the Respondent NPCL with all relevant documents, with regard to the reimbursement of taxes/duties and levies, for a mutual settlement of the issues. In response, the learned Senior counsel for the Respondent NPCL, while accepting the said proposal, pointed out that the Petitioner may be directed to provide relevant documents indicating the actual payment of the taxes/duties and levies by the Petitioner relating to the supply of power during the period, to the Respondent in advance, in order to reconcile the amounts.

5. The Commission, after hearing the learned counsel for the parties, directed the Petitioner to approach the Respondent NPCL with all relevant documents in support of the reimbursement claims and try to mutually settle the matter. The Commission further directed the Petitioner to raise Supplementary Bills, in terms of the provisions of the PPA, for reimbursement of the amounts by the Respondent NPCL. Accordingly, the Commission adjourned the matter. The parties were directed to apprise the Commission regarding the outcome of the settlement.

6. The matter will be listed for hearing on **3.4.2024**.

By order of the Commission

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

