

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.324/MP/2022

- Subject : Petition under Section 79(1)(c) read with Section 79(1)(f) of the Electricity Act, 2003 for seeking direction against Respondent No. 1 to forthwith pay the bills for supply of power for the months of April to July, 2022 under the PPA dated 27.1.2012 to the Petitioner and direction against Respondent Nos. 1, 4 & 5 to update their respective records of power scheduled by the Petitioner for the months of April to July, 2022, basis the energy accounts of Respondent No. 3.
- Date of Hearing : **23.2.2024**
- Coram : Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Osmanabad Solar Energy Limited (OSEL).
- Respondents : NTPC Vidyut Byapar Nigam Limited (NVTNL) and 4 Ors.
- Parties Present : Shri Deepak Khurana, Advocate, OSEL
Ms. Vineet Tayal, Advocate, OSEL
Shri Ravi Sharma, Advocate, CSPDCL
Shri Alok Mishra, WRLDC
Ms. Swapna Seshadri, Advocate, NVVN
Ms. Neelam Singh, Advocate, NVVN
Shri Karthikeyan Murugan, Advocate, NVVN
Ms. Ritu Apurva, Advocate, NVVN

Record of Proceedings

During the course of the hearing, the learned counsel for Respondent, CSPDCL submitted that the power generated and injected by the Petitioner during the disputed period has not been scheduled to/consumed by Respondent, CSPDCL and was consumed by the Maharashtra State Electricity Distribution Company Limited (MSEDCL). Therefore, MSEDCL being the beneficiary of such power during the disputed period ought to be impleaded as a party to the Petition. Learned counsel for Respondent, NVVN had no objection in this regard.

2. In response, the learned counsel for the Petitioner opposed the impleadment of MSEDCL as a party to the Petition and submitted that the Petitioner has no privity of contract with the MSEDCL. Learned counsel further submitted that the Petitioner has a contractual obligation to the Respondent, NVVN as the Petitioner has the PPA with NVVN and its obligation under the PPA is to deliver power upto the Delivery Point, which the Petitioner has done.

3. Considering the submissions made by the learned counsels for the parties, the Commission directed the Petitioner to implead MSEDCL as party to the Petition and to file revised memo of parties within a week.

4. The Petitioner was directed to serve copy of the Petition on the Respondent, MSEDCL immediately who may file its reply, if any, within three weeks with a copy to the Petitioner. The Petitioner may file its rejoinder within two weeks thereafter.

5. The Petition will be listed for hearing on **14.6.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)