

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 346/MP/2020 with IA (Dy No.114/2024)

Subject : Petition under Section 79(1)(f) of the Electricity Act 2003 for adjudication of disputes between the Petitioner and the Respondent and for directions.

Petitioner : DVC

Respondent : Punjab State Power Corporation Limited

Date of Hearing : **18.3.2024**

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

Parties Present : Ms. Anushree Bardhan, Advocate, DVC
Ms. Shivsa Saraswati, Advocate, DVC
Ms. Suparna Srivastava, Advocate, PSPCL
Shri Tushar Mathur, Advocate, PSPCL
Ms. Divya Sharma, Advocate, PSPCL

Record of Proceedings

Since the order in the Petition (which was reserved on 14.3.2023) could not be issued prior to one Member of this Commission, who formed part of the Coram, demitting office, the matter has been re-listed for hearing.

2. At the outset, the learned counsel for the Respondent submitted that it had filed an Interlocutory application (IA) bearing Diary No. 114/2024 seeking directions against the Petitioner to stay the impugned Supplementary Invoice dated 5.1.2024 and direct the Petitioner not to take any coercive action against the Respondent to enforce Supplementary Invoice or any other invoice raised by it for BTPS-A, forming the subject matter of the present Petition. The learned counsel further submitted that:

- i) During the course of proceedings, the accepted position between the parties was that the payment of the disputed amount (claimed in the Petition) would be based on the outcome of the Petition and that no coercive steps would be taken till a final adjudication.
- ii) Despite the above understanding, the Petitioner, based on the truing-up order dated 26.10.2023 in Petition No.574/GT/2020 (for BTPS-A) for the period 2014-19, had raised and uploaded the supplementary invoice for fixed charges for the disputed period on the PRAAPTI portal i.e. from 23.2.2017 to 26.3.2018 for a sum of Rs.3.73 crore, payable in six monthly instalments of Rs.62.16 lakh.



- iii) Pending the listing of the IA (diary No. 114/2024), Respondent was constrained to pay the 1st instalment of Rs. 62.16 lakh, against the supplementary invoice to avoid any regulation of power supply in terms of the LPS Rules; and the 2nd instalment is due on 4.4.2024.
- iv) Accordingly, the Commission may stay the impugned supplementary invoices in the PRAAPTI portal till the final adjudication of the present petition.

3. The learned counsel for the Petitioner clarified that since the matter was pending adjudication before the Commission, the past dues could not be uploaded on the PRAAPTI portal. However, since the true-up order was issued, the Petitioner was mandated in terms of the LPS Rules, to upload the bills on the PRAAPTI portal. She further submitted that the Commission, based on the submissions of the parties, may dispose of the said IA (diary No. 114/2024) and reserve its order in the present petition. This was agreed to by the learned counsel for the Respondent.

4. The Commission, after hearing the learned counsel for the Parties, directed the Petitioner not to take any precipitative action against the Respondent with regard to the invoices raised in the PRAAPTI portal till a final disposal of the present Petition. The Commission also directed the Petitioner to submit the following additional information after serving a copy to the Respondent on or before **5.4.2024**;

- a) The following month-wise information for various generating stations of Petitioner, i.e. MTPS – 1, 2 & 3; MTPS – 4; MTPS – 5 & 6; MTPS – 7 & 8, BTPS A; DTPS - 3 & 4; CTPS - 1, 2 & 3; KTPS – 1 & 2; RTPS – 1 & 2; CTPS – 7 & 8; DTPS – 1 & 2; BTPS – 1, 2 & 3, Tilaya, Panchet and Maithon:

Month	Name of Generating Station	Installed Capacity (MW)	DC (MW)	Schedule Given by long term and medium term beneficiaries (MUs)	Actual Energy Generated (MUs)	Actual Energy supplied to long term and medium term beneficiaries (MUs)	Energy Supplied to DVC Pool (MUs)	Energy utilized in DVC Command area (MUs)	Energy sold in Short Term Market / exchange (MUs)	Revenue realized on sale of energy in short term / market (Rs.)
23.02.2017 – 28.02.2017										
01.03.2017 – 31.03.2017										
01.03.2018 – 25.03.2018										

5. The Respondents are permitted to file their replies on the above by **12.4.2024** after serving a copy to the Petitioner, who may file its rejoinder, if any, by **15.4.2024**. No extension of time shall be granted for any reason.



6. Subject to the above, the order in the petition was reserved.

By order of the Commission

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

