

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.496/MP/2024
along with I.A. No. 102/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 for quashing the illegal claim of Rs. 48 crores raised by the Respondent TANGEDCO vide its letter(s) dated 31.7.2024 and 30.9.2024 towards the alleged Liquidated Damages in terms of Article 4.8.1 and 4.8.2 of the PPA dated 23.8.2013 read with the Addendum dated 10.12.2013 and the immediate threat of unilateral deduction of the said amount from the monthly invoice raised by the Petitioner, being barred by limitation.

Petitioner : BALCO

Respondent : TANGEDCO and 2 others

Date of Hearing : **8.4.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri S. Ganesh, Senior Advocate, BALCO
Shri Hemant Singh, Advocate, BALCO
Shri Chetan Garg, Advocate, BALCO
Ms. Alchi Thapliyal, Advocate, BALCO
Shri Pawan Singh, Advocate, BALCO
Shri Jay Lal, Advocate, BALCO
Shri Arun, Advocate, BALCO
Shri Gyanendra, Advocate, BALCO
Ms. Akshaya, Advocate, BALCO
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO

Record of Proceedings

Due to a paucity of time, the matter could not be taken up for hearing. However, the learned Senior counsel for the Petitioner submitted that the interim protection granted to the Petitioner may please be continued until further orders.

2. In response to a specific query of the Commission as to the arbitrability of the matter, the learned Senior counsel for the Petitioner submitted that the matter is required to be adjudicated by the Commission. Per contra, the learned counsel for the Respondent submitted that the dispute is referable to arbitration. Accordingly, the Commission directed the parties to put forth their detailed submissions on this issue during the next date of hearing.



3. The Commission adjourned the hearing with directions to continue the interim protection granted to the Petitioner vide hearing dated 10.12.2024 till the next date of hearing.

4. The Petition shall be listed for hearing on **8.5.2025**. Accordingly, IA No. 102/2024, filed by the Petitioner for urgent listing, stands disposed of.

By order of the Commission

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

