

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 455/MP/2019

Subject : Petition under Section 79 of the Electricity Act, 2003 read with the other applicable provisions of the Electricity Act, 2003 as amended from time to time as regards the unauthorized deductions made by the Respondents from the bills payable to the Petitioner.

Petitioner : Reliance Infrastructure Limited.

Respondents : APCPDCL & 4 others.

Petition No. 65/MP/2020

Subject : Petition seeking declaration that HSD is an alternative fuel in terms of Article 1.1.27 of the PPA and refund the unauthorized deductions of Rs. 96,68,92,198/- made by the Respondents from the bills payable to the Petitioner.

Petitioner : Reliance Infrastructure Limited.

Respondents : APCPDCL & 3 others.

Petition No. 618/MP/2020

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for ineligibility of availability declarations made by Reliance Infrastructure Limited with alternate fuel (Naphtha/HSD) after 2009; and under Section 128 of the Electricity Act, 2003 for investigation of illegal dismantling of existing Naphtha tanks by the Respondent in 2009.

Petitioner : APPCC & 5 others.

Respondents : Reliance Infrastructure Limited.

Date of Hearing : **20.5.2025**

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

Parties Present : Shri Buddy Ranganathan, Senior Advocate, RIL
Shri Dushyant Manocha, Advocate, RIL
Shri Hasan Murtaza, Advocate, RIL
Shri Sameer Sharma, Advocate, RIL
Ms. Mrinalini Mishra, Advocate, RIL
Ms. Shefali Tripathi, Advocate, RIL
Shri Ankit K. Sinha, Advocate, RIL
Shri Akshay Sinha, RIL
Shri Anand Ganesan, Advocate, Telangana Discoms
Shri Harsha V. Rao, Advocate, Telangana Discoms
Ms. Aishwarya Subramani, Advocate, Telangana Discoms



Record of Proceedings

At the outset, the learned Senior counsel for RIL pointed out that Petition No. 455/MP/2019 filed by it relates to the wrongful deductions made by the Respondent, AP discoms, from the running bills of RIL towards the Deemed Generation Discount (DGD) and Petition No. 65/MP/2020 filed by it relates to the non-payment of the capacity charges by the Respondents to RIL for the period from May 2012 to December 2017. He, however, pointed out that Petition No. 618/MP/2020 has been filed by the Respondent discoms seeking reliefs towards the alleged misdeclarations by RIL.

2. On a specific query of the Commission as to whether the matters are referable to arbitration, the learned counsels for both the parties sought time to seek instructions and place on record their respective written submissions on this issue, prior to the next date of hearing. This was accepted by the Commission.

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2. During the hearing, the learned Senior counsel for RIL made oral submissions, giving a detailed background of the case. Pointing out to the unilateral application of DGD by the Respondent discoms in the invoices raised by RIL, the learned Senior counsel submitted that the deductions, though pertaining to the periods (i) May, 2009 to November 2009 (ii) December, 2009 to December, 2010 and (iii) January, 2011 to December, 2011 were made in the tariff year 2012-13 vide letters dated 14.5.2012, 14.6.2012 and 17.7.2012 respectively. Referring to clause 3.2(iii) of the PPA and the APERC order, the learned Senior counsel submitted that the discount of 20 paise/kWh offered by RIL (on account of low firm allocation of natural gas at that material time) was applicable only till such time RIL did not obtain the requisite fuel (gas) supply for operating the plant at 85% PLF or till it obtained a firm tie up for the balance natural gas from any source. He further submitted that RIL, during the said period, had firm tie-up/ firm allocation of natural gas and/or actual gas supply, sufficient to maintain a PLF of 85%, and therefore, the DGD was not applicable. The learned Senior counsel added that IA (44/2023) filed by RIL seeking amendment to the main Petition, to place on record the deductions made by the Discoms after August 2012 was allowed by the Commission, subject to the issue of limitation being decided, based on the submissions of the parties.

3. However, due to a paucity of time, the learned Senior counsel could not conclude his arguments in the petition. Accordingly, the Commission adjourned the hearing.

4. The matter remains Part-heard and will be listed for the hearing on **17.7.2025 at 2.30 pm**. The parties are directed to file their written submissions (as in para 2 above), after serving a copy to the other, at least 3 days prior to the next date of hearing.

By order of the Commission

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

