

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 617/MP/2020 along with IA No. 68/2020

Subject : Petition under Section 86(1)(f) of the Electricity Act, 2003 for recovery of compensation deducted from BALCO purportedly towards non-supply of power.

Date of Hearing : 6.8.2021

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondents : PTC India Limited and 2 Ors.

Parties Present : Shri Hemant Singh, Advocate, BALCO
Shri Lakshyajit Singh Bagdwal, Advocate, BALCO
Shri Sidhant Kumar, Advocate, CPDCAPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner, BALCO submitted that the present Petition has been filed, *inter alia*, seeking declaration that the Petitioner is under no liability in terms of Power Purchase Agreement dated 23.8.2011 entered into with Respondent No.1 for non-supply of power and/or for any compensation consequent to the force majeure caused by the Petitioner being prevented from operating the CTU-connected power plant. Learned counsel submitted that as per its authorisation letter dated 17.8.2011 to the Respondent No. 1 for sale of power, the Petitioner had an option to inject the power either at its CTU inter-connection or at its STU inter-connection. Upon its CTU-connected power plant not being in a position to supply the power due to force majeure condition, the Petitioner had offered and supplied the power from its STU-connected plant to the extent of open access granted in accordance with the express arrangement entered into between the Petitioner and Respondent No. 1 vide authorization letter dated 17.8.2011. Despite the above, approximately Rs. 34 crore has been claimed from the Petitioner towards compensation for default in scheduling the power during the months of February, 2021 to May, 2021.

3. Learned counsel further submitted that the Petitioner has also filed IA No. 68/2020 seeking amendment of the Petition for the purpose of bringing on record the subsequent facts as well as the grounds on which the claim of the Petitioner is maintained.

4. Learned counsel for the Respondent No.2, Central Power Distribution Company of Andhra Pradesh Limited ('CPDCAPL') submitted that the Petitioner has not served the copies of the Petition/ Amended Petition on the Respondent No.2.

Hence, the Petitioner may be directed to provide copy of Petition to the Respondent and only thereafter, the Commission may hear the matter.

5. After hearing the learned counsel for the parties, the Commission ordered as under:

(a) Amended Petition be taken on record and accordingly, IA No.68/2020 stood disposed of;

(b) Admit. Issue notice to the Respondents;

(c) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 3.9.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 24.9.2021; and

(d) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**