

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 86/MP/2021

Coram:

Shri P.K. Pujari, Chairperson

Shri I. S. Jha, Member

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of Order: 10th August, 2021

In the matter of

Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 read with applicable Regulations against the unilateral surrender of 150 MW power by Damodar Valley Corporation.

And

In the matter of

Maithon Power Limited

Jeevan Bharti, 10th floor,
Tower – I 124, Connaught Circus,
New Delhi – 110001

Petitioner

Vs

Damodar Valley Corporation

DVC towers, VIP road,
Kolkata-700054

...Respondent

ORDER

The Petitioner, Maithon Power Limited, has filed the present Petition against the unilateral surrender of 150 MW of power supplied by the Petitioner from its generating station to the Respondent, Damodar Valley Corporation ('DVC') in terms of the PPA dated 28.9.2006. The Petitioner has made the following prayers:

“(a) Declare that the Notice dated 24.08.2020 and subsequent letters issued by the Respondent, for the unilateral surrender of 150 MW power from the Project, as invalid and contrary to the terms of the power purchase agreement dated 28.09.2006; and

(b) Declare that the Respondent is liable to pay for the contracted capacity in terms of the PPA for the entire duration of the PPA i.e., 30 years from commencement of power supply on 01.09.2011.”

2. The learned counsel for the Petitioner vide its letter dated 7.8.2021 has submitted that subsequent to multiple rounds of discussion, the Respondent, DVC vide its letter dated 3.8.2021 has withdrawn the surrender notice dated 24.8.2020. The learned counsel has further submitted that since the parties have mutually resolved the dispute in question, the instant Petition has become infructuous. Accordingly, the Petitioner has sought permission to withdraw the present Petition without prejudice to its rights and contention under the Power Purchase Agreement.

3. The Petition is being decided by circulation. In view of the submissions of the learned counsel for the Petitioner vide its letter dated 7.8.2021, the Petitioner is permitted to withdraw the present Petition.

4. Accordingly, the Petition No. 86/MP/2021 is disposed of as withdrawn.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(P.K. Pujari)
Chairperson**