

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 181/MP/2021

Subject : Petition under Section 79(1)(f) read with Section 79(1)(b) and 79(1)(k) of the Electricity Act, 2003 read with the relevant Regulations seeking issuance of appropriate directions to the Respondent to declare that the Letter of Credit opened by the Respondent is in contravention of the provisions of the PTC-PPA and Procurer-PPA and to direct the Respondent to pay compensation towards such breach of the PPA and also to impose penalty under Regulation 14C for violation of Regulation 7(c) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2009; and to direct the Respondent to refund the excess trading margin and excess rebate charged by the Respondent for the period w.e.f 31.1.2020 till opening of Payment Security Mechanism as per the Procurer-PPA, PTC-PPA and the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 issued by this Commission along with Late Payment Surcharge; and to direct that the Respondent shall not be eligible to charge trading margin exceeding 2 paise/kWh till such time the Respondent opens Payment Security Mechanism in conformity with the PTC-PPA, Procurer-PPA and the applicable Regulations of this Commission.

Date of Hearing : 22.2.2022

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

Petitioner : Maruti Clean Coal and Power Limited (MCCPL)

Respondent : PTC India Limited

Parties Present : Shri Matrugupta Mishra, Advocate, MCCPL
Ms. Ritika Singhal, Advocate, MCCPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking declaration that the Letter of Credit opened by the Respondent is in contravention of the provisions of the PTC-PPA and Procurer-PPA and to direct the Respondent to pay compensation towards such breach of the PPA and to impose penalty under Regulation 14C for violation of Regulation 7(h) of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2009. Learned counsel



further submitted that the Petitioner has also sought directions to the Respondent to refund the excess trading margin and excess rebate charged by it for the period from 31.1.2020 till opening of Payment Security Mechanism ('PSM') as per the Procurer PPA, PTC-PPA and the provisions of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Trading Licence and other related matters) Regulations, 2020 issued by the Commission along with Late Payment Surcharge and that the Respondent shall not be entitled to charge trading margin exceeding 2 paise/kWh till such time the Respondent opens PSM in conformity with the PTC-PPA, Procurer-PPA and the applicable regulations of the Commission as opposed to the stand taken by the Respondent in its letter dated 24.7.2020.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioner to serve copy of the Petition on the Respondent, immediately, if not already served and the Respondent to file its reply, if any, by 21.3.2022 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 13.4.2022.

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

4. 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)**