

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.584/MP/2020

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 for adjudication of the issues arising out of the Power Supply Agreement (PSA) dated 26.12.2014 for supply of 100 MW and Power Supply Agreement dated 31.12.2014 for supply of 115 MW of power to Kerala State Electricity Board Limited.

Date of Hearing : 15.12.2022

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

Petitioner : Jhabua Power Limited (JPL)

Respondents : Kerala State Electricity Board Limited (KSEBL)

Parties Present : Ms. Swapna Seshadri, Advocate, JPL
Ms. Ashabari Thakur, Advocate, JPL
Shri P. Raul, Advocate, JPL
Shri Prabhas Bajaj, Advocate, KSEBL
Shri Ajay Sabharwal, Advocate, KSEBL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking adjudication of the issues arising out of the Power Supply Agreement dated 26.12.2014 (PSA I) for supply of 100 MW and Power Supply Agreement dated 31.12.2014 (PSA II) for supply of 115 MW to the Respondent, KSEBL, namely, (i) deduction/non-payment of Fuel Charges in violation of PSAs, (ii) Deduction/non-payment of Fixed Charges in violation of PSA, (iii) RLDC fees and charges, (iv) non-reimbursement of electricity duty & cess, (v) non-opening of Letter of Credit under PSA II, and (vi) carrying cost.

2. Learned counsel further referred to the pleadings and made detailed submissions on the issues (a) determination of cost of fuel forming part of landed cost of fuel, (b) determination of cost of transportation forming part of landed cost of fuel falling under the issue (i) above. Learned counsel added that during the pendency of the Petition, KSEBL also started restricting the declared availability of the Petitioner to 90% on a daily basis while as per the PSAs, the Petitioner is required to ensure the normative availability of 90% of the contracted capacity of its generating station on annual basis and accordingly, the Petitioner has filed IA No. 30/2022 for raising the above additional ground in the present Petition.

3. Due to paucity of time, learned counsel for the Petitioner could not conclude its arguments and accordingly matter was adjourned.



4. Matter remains Part-heard. Learned counsel for the Petitioner shall commence its arguments during the next date of hearing. In the meantime, parties are directed to submit short written submissions, if any, at least three days prior to the date fixed

5. The Petition shall be listed for hearing on 23.2.2023.

By order of the Commission

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