

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 218/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 17 of the Power Purchase Agreement (PPA) dated 23.03.2007 between Coastal Andhra Power Limited and Distribution licensees of States of Andhra Pradesh, Telangana, Maharashtra, Karnataka and Tamil Nadu for wrongful termination of the PPA by APSPDCL.

Date of Hearing : 11.4.2023

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

Petitioners : Coastal Andhra Power Limited (CAPL) and Anr.

Respondents : Andhra Pradesh Power Coordination Committee & 10 Ors.

Parties Present : Shri Venkatesh, Advocate, CAPL
Shri Ashutosh Srivastava, Advocate, CAPL
Shri Shivam Kumar, Advocate, CAPL
Shri Siddharth Nigotia, Advocate, CAPL
Shri Nihal Bhardwaj, Advocate, CAPL
Shri Anand K Ganesan, Advocate, Karnataka Discoms
Ms. Ritu Apurva, Advocate, Karnataka Discoms
Ms. Archita Kashyap, Advocate, Karnataka Discoms
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Anup Jain, Advocate, MSEDCL
Shri Sidhant Kumar, Advocate, AP Discoms
Shri Shivankar Rao, Advocate, AP Discoms
Shri Gurpreet Singh Bagga, Advocate, AP Discoms
Ms. Muskan Gopal, Advocate, AP Discoms

Record of Proceedings

Learned counsel for the Petitioners submitted that the present Petition has been filed seeking quashing of the Notice dated 15.3.2012 (Termination Notice) issued by Andhra Pradesh Southern Power Distribution Company Ltd. (APSPDCL) to CAPL and for payment of Rs.300 crore as wrongfully appropriated by APSPDCL by encashment of Performance Bank Guarantees of CAPL. Learned counsel submitted that vide Record of Proceedings for the hearing dated 22.12.2022, the Commission had issued notice in the matter and had directed the Respondents to file their reply to the Petition. However, none of the Respondents have filed reply to the Petition.

2. Learned counsel for the Respondents, AP Discoms sought additional time to file reply to the Petition.



3. After hearing the learned counsels for the parties, the Commission permitted the Respondents another opportunity to file their reply to the Petition, if any, within three weeks with copy to the Petitioner, who may file its rejoinder within three weeks thereafter. The Commission also noted that the Hon'ble High Court of Delhi in its order dated 15.1.2019 in FAO (OS) No. 272 of 2012 had observed that the remedy for CAPL's disputes lies before this Commission and/or the arbitral tribunal to which this Commission may refer any part of such disputes. Accordingly, the Commission also deemed it appropriate to call for the views of the parties on reference of the dispute(s) involved in the present case to the arbitrator appointed by the Commission under Section 79(1)(f) read with section 158 of The Electricity Act, 2003, in their reply/rejoinder as a preliminary submission.

4. The Petition shall be listed for hearing on 12.7.2023.

By order of the Commission

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