

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SCO NO. 220-221, SECTOR 34-A, CHANDIGARH**

**Petition No. 01 of 2018
Date of hearing: 30.01.2018
Date of Order: 30.01.2018**

In the matter of: Petition under Section 86 (1) (f) and other provisions of the Electricity Act, 2003 along with the provisions under the Punjab State Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 and amendments carried thereto for carrying out amendments to the Amended and Restated Power Purchase Agreement dated 26.05.2009 of 2x270 MW Goindwal Sahib Coal Based Thermal Power Plant at Goindwal Sahib, Punjab.

AND

In the matter of: GVK Power (Goindwal Sahib) Limited, Paigah House, 156-159, Sardar Patel Road, Secunderabad-540003.

.. Petitioner

Versus

Punjab State Power Corporation Limited, The Mall, Patiala.

.... Respondent

Present: Ms. Kusumjit Sidhu, Chairperson
Sh. S.S. Sarna, Member
Ms. Anjuli Chandra, Member

For Petitioner: Sh. Amit Kapur, Advocate
Sh. Janmali Manikala, Advocate
Sh. T.V.Bhaskar, Advocate
Sh. Oliver Tyagi, G.M.
Sh. B.J. Swami, DGM
Sh. Bhavani Shankar, V.P.
Sh. M. Sodekar, DGM, Law
Sh. Krishna R. Bhupal, MD, GUKPGL

For PSPCL: Sh. S.C. Arora, Director/Finance
Sh. H.S. Saluja, CE/PP&R
Sh. A.K.Vij, Dy.CE/IPC
Sh. Ravi Kathuria, Sr.Xen/ARR

ORDER

The Commission, after taking cognizance of the submissions made by the petitioner in its communication dated 12.01.2018 for early hearing in respect of 2017-SHAKTI Scheme, heard the petition on 24.01.2018 and after admitting the same, directed the parties to hold an immediate meeting regarding the amendment in PPA dated 26.05.2009 and apprise the Commission along with the copy of the minutes of the meeting. The next date of hearing was fixed as 30.01.2018.

In compliance of the said directions, PSPCL today filed signed copy of the minutes of the meeting held on 25.01.2018 with the petitioner, along with draft supplementary agreement for long term coal linkage allocated under the Scheme for Harnessing and Allocating Koyala (Coal) Transparently in India (2017-SHAKTI), duly initialed by both the parties. PSPCL submitted that the supplementary agreement has been approved by CMD, PSPCL and shall be signed by Director/Distribution, the designated authority for the purpose, latest by 01.02.2018 FN. It was further informed by PSPCL that ex post-facto approval of the Board of Directors shall be obtained subsequently.

The Commission notes that this supplementary agreement is for the sole and limited purpose of giving effect to the 2017-SHAKTI Scheme. The coal allocation under the said Scheme has been made to the petitioner on the basis of discount of two paise (Source 1) and one paise (Source 2) offered by the petitioner in the coal auction, which the Commission finds will be beneficial to the consumers of the State. Accordingly, the Commission approves the said supplementary agreement without prejudice to the rights and contentions of both the parties under the Amended and Restated PPA dated 26.05.2009 and shall be read as an integral part of the PPA. Both the parties will ensure strict adherence to the timelines stipulated in the 2017-SHAKTI Scheme.

PSPCL is directed to file reply to the petition within five weeks with a copy to the petitioner (through e-mail and hard copy). Thereafter, the petitioner may file rejoinder, if any, within three weeks with a copy to PSPCL (through e-mail and hard copy).

The petition shall be taken up for hearing on 11.04.2018 at 11.00 A.M.

Sd/-
(Anjuli Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 30.01.2018