

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

Petition No. 12 of 2017

& I A No. 02 of 2017

& I.A. No.12 of 2017

Date of hearing: 09.05.2017

Present: Shri D.S. Bains, Chairman
Shri S.S. Sarna, Member

In the matter of: Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Rule 10,69, 71 and 73 of the PSERC (Conduct of Business) Regulations, 2005 and clause 85 of CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2012 (adopted by this Hon'ble Commission in its order dated 19.07.2012 in Suo-Motu petition No. 35 of 2012) read with Article 19.1.0 of the Power Purchase Agreement dated 20.1.2016 and Article 10 of the Implementation Agreement dated 4-12-2015 and section 94 of the Electricity Act, 2003, for seeking Project Specific extension of period of commissioning of the project upto 15.5.2017 with applicable tariff of Rs.5.97 pr kWh.

AND

In the matter of: M/s Mytrah Aadhya Power Pvt. Ltd., (SPV Company of M/s Mytrah Energy (India) Ltd., having registered office at 8001, Q-City, S.No.109, Nanakramguda Gachibowli, Hyderabad
.... Petitioner

Versus

1. Punjab State Power Corporation Limited, (PSPCL)
2. Punjab Energy Development Agency, (PEDA)
(Caveator)

.... Respondents

For petitioner: Shri Tajender Joshi, Advocate

For PSPCL: Shri Manish Thakur, Advocate
Shri Ashok Kumar Goyal, Addl.SE/TR-5
Shri A.K.Sharma, SE/TR-2
Shri Mohinder Singh, Sr.Xen/IPC

For PEDA : Shri Aditya Grover, Advocate
Shri M.P.Singh, DGM
Shri R.K.Gupta, Sr.Manager
Shri Lovkesh Khanna, P.A.

ORDER

The matter was taken up for hearing. Shri M.P. Singh, DGM, Punjab Energy Development Agency was also present. To rebut the case law relied upon by the Applicant-PEDA, the Learned Counsel for the petitioner Shri Tejinder Kumar Joshi, in support of his contentions, has submitted copies of judgments titled and reported as R. Balakrishna Pillai Vs. State of Kerala, (2000) 7 Supreme Court Cases 129, Reference No.1 of 2003 decided on November 10, 2008, reported in (2009) 1 Supreme Court Cases 337, Abraham Kuruvila Vs. S.C.T. Institute of Medical Sciences & Technology and others reported in (2005) 9 Supreme Court Cases 49, Keshab Roy Vs. The State of West Bengal, reported in (1973) 3 Supreme Court Cases 216, Hyderabad Vanaspathi Ltd. Vs. A.P. State Electricity Board and others, reported in (1998) 4 Supreme Court Cases 470 and a judgment of the Punjab & Haryana High Court reported in the Times of India on 10.02.2017. Since the arguments on the I.A. were completed on 25.04.2017, except for the judgment of the Hon'ble Apex Court submitted by the applicant, detailed arguments were held on the merits of issue involved in all the above cited judgments on 09.05.2017. The order on the I.A. is reserved.

The reply to the main petition has not been submitted by PEDA. PEDA to file reply to the petition with a copy to the petitioner by 23.05.2017 (through email and hard copy). Learned Counsel for PEDA after consultation with DGM PEDA, PSPCL as well as the Counsel for the petitioner has agreed to argue the main petition on 01.06.2017.

To come up for arguments on the main petition on 01.06.2017 at 11.30 A.M.

Sd/-

(S.S. Sarna)
Member

Sd/-

(D.S. Bains)
Chairman

Chandigarh
Dated: 11.05.2017