

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

Petition No. 45 of 2017

Date of hearing: 04.09.2017

Date of Order: 05.09.2017

In the matter of: Petition under Section 86 (1) (f) and other applicable provisions of the Electricity Act, 2003 for adjudication of the disputes and for direction - PPA for purchase of power from 2 x 250 MW Goindwal Sahib 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.

Versus

Punjab State Power Corporation Limited, The Mall, Patiala.

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

For petitioner: Sh. Amit Kapur, Advocate
Sh. Vishrov Mukerjee, Advocate
Sh. P.V. Prasanna Reddy, CEO
Sh. Krishna Ram Bhupal, M.D.
Sh. Bhavani Shankar, V.P. (Finance)
Sh. Oliver Tyagi, GM
Sh. M.Sodekar, DGM (Law)

For PSPCL: Ms. Neha Garg, Advocate
Sh. A.K.Sharma, SE/TR-2
Sh. V.P.S. Kailay, ASE/TR-5
Sh. Kulvir Singh, Sr.Xen/ISB

ORDER

The Hon'ble High Court of Punjab and Haryana disposed of CWP-17078-2017 (O & M) filed by GVK Power (Goindwal Sahib) Ltd. (GVK), vide its order dated 11.08.2017, keeping in view the statement of Advocate General, Punjab that the regulatory body shall endeavour to decide the application for interim relief as expeditiously as possible, in any case, not later than one month.

In compliance to the said order dated 11.08.2017, the matter was taken on 29.08.2017 and the petition was admitted for hearing on 04.09.2017 with direction to PSPCL to file reply by 01.09.2017.

PSPCL in its reply on the issue of interim directions sought by GVK averred that GVK submitted a proposal vide its letter dated 23.08.2017 to PSPCL to consider deduction of Rs.11.337 crore (10% of the penalty amount) per month with regard to recovery of the penalty amount of Rs.113.37 crore levied by PSPCL in terms of clause 1.2.5 of 'Schedule 6: Tariff' of the PPA vide memo no.797/98/GVK-635 dated 29.06.2017 as penalty for the availability of the project below 75% during the first contract year ending 31.03.2017. PSPCL has accepted the said proposal subject to final adjudication of the present petition by the Commission.

In view of the interim arrangement as above already agreed to by the parties, the Commission holds that the same shall continue without prejudice to the rights, claims and contentions of the parties in the main petition, till the same is finally decided by the Commission.

PSPCL shall file its reply to the main petition on or before 19.09.2017 with a copy to the petitioner (through email and hard copy). The petitioner shall file the rejoinder, if any, on or before 26.09.2017 with a copy to PSPCL (through email and hard copy).

The matter shall be taken up for final hearing / arguments on 04.10.2017 at 11.30 A.M.

Sd/-
(Anjali Chandra)
Member

Sd/-
(S.S. Sarna)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: 05.09.2017