

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

Petition No. 47 of 2013

Date of hearing: 11.07.2017

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

In the matter of: Petition for amendment in Power Purchase Agreement dated 18.01.2010 signed between erstwhile PSEB and NPL under Article 18: "MISCELLANEOUS PROVISIONS" for change in unit configuration from 2x660 MW (1320MW) to 2x700MW (1400MW) for Rajpura Thermal Power Project.

AND

In the matter of: Punjab State Power Corporation Limited, The Mall, Patiala.
----Petitioner

AND

In the matter of: Nabha Power Limited (NPL) wholly owned subsidiary of M/s L & T Power Development LimitedNon-Applicant

For petitioner: Shri Parmjit Singh, CE/ARR&TR
Shri Adarsh K.Sharma, SE/TR-2
Shri Poras Mehta, AEE/TR-5
Shri Sanjay Tandon, Dhy.CE (Proj.)
Shri Parveen Jain, ASE/Projects
Shri Shubham Arya, Advocate

For Nabha Power: Shri Pramod Bhateley, Head – Commercial & Regulatory Limited
Shri Rajnish Kaushik, AGM Legal
Shri Aniket Prasoon, Advocate

GoP : Shri Gurcharan Dass, Sr.Asstt. (Deptt. of Power)
Deptt. of Power

ORDER

The matter was taken up for hearing. The Learned Counsel for both the parties have addressed their arguments at length. The Learned Counsel for NPL has submitted that the petition has been filed under Article 18 of the Power Purchase Agreement and not under any provision of the Electricity Act,

2003. As per Article 18 of the PPA dated 18.01.2010, the agreement may only be amended or supplemented by a written agreement between the parties and after duly obtaining the approval of the appropriate Commission, where necessary. He further submitted that the petition filed by the petitioner is not maintainable under Article 18 of the PPA.

The order on the issue of maintainability of the petition is reserved. The Learned Counsel for both the parties have expressed their intention to sort out the issues involved amicably. Endeavour for the same may be made and the outcome be informed to the Commission by the end of August, 2017.

Sd/-
(S.S. Sarna)
Member

Sd/-
(D.S. Bains)
Chairman

Chandigarh
Dated: 14.07.2017