

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION  
WEST BENGAL**

**Petition No. OA-417/22-23**

**Date of hearing: 29<sup>th</sup> June, 2022**

**Time of hearing: 14.30 hours**

**Quorum:**

**Shri Sutirtha Bhattacharya, Chairperson**

**Shri Pulak Kumar Tewari, Member**

In the matter of

Application under section 86(1)(f) and section 86(1)(b) of the Electricity Act, 2003 read with regulation 2.1.3 (d) of WBERC (Conduct of Business) Regulations for adjudication of disputes and / or withdrawal of the approval of the procurement of 100 MW power in terms of the Power Supply Agreement (PSA) dated 05.01.2011 granted by the Commission vide order dated 15.12.2011.

**And**

In the matter of

West Bengal State Electricity Distribution Company Limited  
Vidyut Bhavan  
Block DJ, Sector - II  
Salt Lake City  
Kolkata 700 091.

Petitioner

**And**

PTC India Limited  
NBCC Tower  
15 Bhikaji Camac Place  
New Delhi 110 066

Respondent

**And**

Adhunik Power and Natural Resource Limited  
9B, 9<sup>th</sup> Floor, Hansalaya Building  
15 Barakhamba Road  
Connaught Place  
New Delhi 110 001

Respondent



**Representatives attended:**

**West Bengal State Electricity Distribution Company Limited [(WBSEDCL)  
(Petitioner)]**

1. Sri Amit Kapur, Sr. Advocate,
2. Akshat Jain, Advocate,
3. CE (Regulation),

**PTC India Limited [(WBSETCL) (Respondent)]**

1. Sri Ravi Kishore, Sr. Advocate

**Adhunik Power & Natural Resource Limited [(APNRL) (Respondent)]**

1. Sri Deepak Khurana, Sr. Advocate

**CASE IN BRIEF**

- 1.0 The West Bengal State Electricity Distribution Company Limited (WBSEDCL) applied under sections 86(1) (b) and (f) of the Electricity Act, 2003 seeking adjudication of dispute arisen between WBSEDCL, PTC India Limited (PTC) and Adhunik Power & Natural Resource Limited (APNRL) and / or revocation/rescission of the approval dated 15.12.2011 of the Commission for procurement of 100 MW power from 540 MW Thermal Power Project of Adhunik Power and Natural Resource Limited (APNRL) for a period of 25 years in terms of Power Supply Agreement (PSA) dated 05.01.2011 executed between WBSEDCL and PTC.
- 2.0 In terms of aforesaid PSA dated 05.01.2011 executed between WBSEDCL and PTC, a Power Purchase Agreement (PPA) was executed on back to back basis between PTC and APNRL on 25.03.2011.
- 3.0 WBSEDCL has contended in the petition that, since commencement of power supply on 08.07.2013, PTC/APNRL started demanding energy charges at a higher rate than what was agreed upon in the PSA. In view of above, WBSEDCL has sought for adjudication of the dispute regarding energy charge and / or allow withdrawal of the PSA between WBSEDCL and PTC.



- 4.0 In order to resolve the dispute amongst the parties involved, an e-hearing was held on 29<sup>th</sup> June, 2022 at 14.30 hours in presence of the representatives of the parties involved in dispute.

#### **SUBMISSION DURING HEARING**

- 5.0 The Commission heard all the parties in details and observed that there is ample scope of amicably resolving the issues, in question, through discussion and negotiation amongst themselves.

#### **ORDER**

- 6.0 In view of above, the Commission directs that –
- a) WBSEDCL, PTC and APNRL shall sit together and explore all avenues to resolve the issues involved. A copy of the minutes of the meeting(s) shall be submitted by the petitioner to the Commission within the next date of hearing;
  - b) WBSEDCL, PTC and APNRL shall also submit their written notes of argument, after exchanging copies thereof amongst themselves, to the Commission within the next date of hearing;
  - c) The next date of hearing is fixed on 11<sup>th</sup> July, 2022 at 14.30 hours.

**Sd/-**  
**(PULAK KUMAR TEWARI)**  
**MEMBER**

**Sd/-**  
**(SUTIRTHA BHATTACHARYA)**  
**CHAIRPERSON**

**DATE: 07.07.2022**