

**PUNJAB STATE ELECTRICITY REGULATORY COMMISSION**  
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

**Petition No. 15 of 2020**  
**Date of Hearing: 19.08.2020**  
**Date of Order: 08.09.2020**

Petition under Section 33 read with Section 86 of Electricity Act 2003 and Regulation 14.1.6 of Punjab State Electricity Regulatory Commission (Punjab State Grid Code) Regulations, 2013 challenging the arbitrary and unreasonable actions of Punjab State Load Dispatch Centre in refusing the availability declaration of by GVK Power (Goindwal Sahib) Limited for its 2 x 270 MW Thermal Power Plant and notifying the declared capacity as zero in the State Energy Account from 30.03.2020 till date.

AND

In the matter of: GVK Power (Goindwal Sahib) Limited, Plot No. 10, Paigah House, 156-159, Sardar Patel Road, Secunderabad - 500003

Versus

1. Punjab State Load Dispatch Centre, Through its Chief Engineer, SLDC Building near 220 KV Grid Station, PSTCL, Ablowal, Patiala –147 001, Punjab
2. Punjab State Power Corporation Limited, Through its CMD, PSEB Head Office, The Mall, Patiala (Punjab)

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

GVK: Sh. Vishrov Mukherjee, Advocate  
Sh. Janmali Manikala, Advocate  
Sh. Pratyus Singh, Advocate  
Sh. Krishna Ram Bhupal  
Sh. P V Prasanna Reddy  
Sh. Oliver Tyagi  
Sh. Santosh Reddy  
Sh. Mannava RKM Sodekar  
Sh. T.V. Bhaskar

PSLDC: Sh. Sehaj Bir Singh, Advocate  
Sh. Vivek Goel, Addl.S.E./EAS  
Sh. Rajan Sharma, AEE/EA

PSPCL: Sh. Sakya Singha Chaudhary, Advocate  
Sh. Bhupinder Sharma CE/ARR&TR  
Sh. Bhuvnesh Nauhria, SE/TR-2  
Sh. Lovleen Gupta, AEE/TR-5  
Sh. Vineet Verma, Sr. XEN/IPP-3  
Sh. Kamaljit Singh, ASE/IPP

**ORDER**

GVK Power (Goindwal Sahib) Limited (GVK) has filed the present petition praying to set aside the instructions of PSLDC dated 02.04.2020 to generators including GVK to discontinue their generating facility from PSPCL/PSTCL in terms of the respective PPAs and direct PSLDC to revise the State Energy Account (SEA) from 30.03.2020 and daily implemented Declared Capacity (DC) in terms of the actual DC declared by GVK as well as Plant Availability Factor Achieved during the month in percent (PAFM) and upload such SEA on its website.

The petition was taken up for hearing on admission on 19.08.2020 and the counsel for GVK, PSPCL and PSLDC addressed their respective arguments. After hearing the arguments, Order on admission of the petition was reserved vide Order dated 24.08.2020, further allowing the parties to file their written submissions.

The Commission has heard the Learned Counsel for the parties and has examined their respective written submissions. It is evident from the submissions made by the parties that writ petitions CWP No. 7519 of 2020 & CWP No. 7715 of 2020 filed by Talwandi Sabo Power Limited & Nabha Power Limited are pending adjudication before the Hon'ble Punjab & Haryana High Court at Chandigarh wherein notices dated 29.03.2020 bearing memo No. 695 dated 711 issued by PSPCL to NPL and e-mail/ notice dated 01.04.2020 and 02.04.2020 issued by PSTCL/PSLDC have been challenged with a prayer to direct PSTCL & PSLDC to correct and issue the state energy account from March 2020 to April 2020. The petitioners among other prayers have prayed to:

iv. *Issue a writ/order/direction in the nature of certiorari quashing the email/notice dated 01.04.2020 (Annexure P-15) and 02.04.2020 (Annexure P-17),29.05.2020 (Annexure P-35), undated notice (Annexure P-37),(and similar emails/ notices issued on daily basis,) issued by the Respondent No. 4, i.e., Punjab State Load Dispatch Centre, refusing to consider the declared capacity/ availability and issue Instructions monthly to Dispatch Petitioner, the as being illegal, contrary to law, and the provisions of the Constitution of India;*

v. *Issue a writ/order/direction in the nature of mandamus directing the Respondent No.4, i.e., Punjab State Load Dispatch Centre, to correct and issue the State Energy Account for the months of March 2020 and April 2020 recording the Declared Capacity/ Availability of Petitioner's Project correctly,*

The Hon'ble High Court vide Order dated 22.07.2020 admitted the above CWP's and Ordered as under:

*....."The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.*

*As per reply filed by respondent No.4-PSTCL, the impugned order passed by respondent No.3- (PSPCL) has been withdrawn vide memo dated 20.5.2020 as reflected in para No.6 of the reply and at this stage, the dispute remains with regard to capacity charges for about two months as noticed in order dated 29.5.2020.*

*After hearing the learned counsel for the parties, perusal of the record and considering the nature of issue in question, the Court feels that the matter needs detailed deliberations.*

*Admitted*

*To be heard within three months after resumption of normal functioning of the Court.*

*In the meantime, the parties are free to explore if the issue in question can be settled amicably.*



*The petitioner is free to move any application in case the averments made in para No.6 of the reply is found to be against the record.*

*A photocopy of the order be placed on the connected file.....”*

The issues involved in the present petition are also the subject matter of adjudication before the Hon'ble Punjab & Haryana High Court in CWP No. CWP No. 7519 of 2020 & CWP No. 7715 of 2020, though the parties are different. The Commission finds it appropriate to admit and then adjourn the matter sine – die and the same may be taken up after the decision of the Hon'ble High Court in the above noted Writ petitions. GVK is directed to approach the Commission accordingly.

Sd/-

**(Anjuli Chandra)**  
**Member**

Sd/-

**(S.S. Sarna)**  
**Member**

Sd/-

**(Kusumjit Sidhu)**  
**Chairperson**

Chandigarh  
Dated: **08.09.2020**