

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

**Petition No. 68 of 2017
Date of hearing: 06.06.2018
Date of Order: 11.06.2018**

In the matter of : Petition under Section 86 (1) (f) and other provisions of the Electricity Act, 2003 for adjudication of the Billing Disputes arisen under the Amended and Restated Power Purchase Agreement dated 25.06.2009 of 2x270 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 GVK Power: Sh. Amit Kapur, Advocate
Sh. Janmali M., Advocate
Sh. T.V. Bhaskar, Advocate
Sh. PVP Reddy, Director
Sh. Bavani Shankar - VP
Sh. Krishna R. Bhupal, MD
Sh. Oliver Tyagi GM
Sh. M. Sodekar, DGM
Sh. T. Srinivas Reddy, DGM

For PSPCL: Sh. Anand K. Ganesan, Advocate
Sh. Iqbal Singh, CE/ARR&TR
Sh. Kulvir Singh, Sr.Xen/ISB-4
Sh. V.P.S. Kailay, ASE/TR-5

ORDER

During the course of hearing both parties agreed that no Reconciliation of payment against monthly bills / provisional bills / supplementary bills has taken place since the operation of the plant. Both the parties agreed for

Reconciliation as provided in the Article 11.7 of Amended and Restated Power Purchase Agreement. During this Reconciliation, PSPCL should ensure that they use the month wise weighted average cost of coal of their own thermal plants corresponding to the billing month keeping in view the Commission's Order dated 01.02.2016 in Petition No. 65 of 2013 and Petition No. 33 of 2015. PSPCL and GVK shall follow and complete within one month the reconciliation process for settlement of bills disputed in the petition. After the Reconciliation, if there are any points of dispute, the same may be brought before the Commission.

PSPCL to give details and reasons for deductions of Rs. 7.92 crores made in August, 2017 without any notice as required under Article 11.6 of Amended and Restated Power Purchase Agreement.

The issues related to fixed charges shall be settled after the adjudication of Petition No. 54 of 2017 filed by GVK, as already submitted by GVK.

A supplementary agreement for long term coal linkage allocated under SHAKTI Scheme has been signed by GVK and PSPCL as per Commission's Order dated 30.01.2018 in Petition no. 01 of 2018. In respect of the coal received under the SHAKTI Scheme, the energy charges shall be payable as per the actual cost of coal received under the said scheme including the actual transportation charges paid to Indian Railways and surface transportation charges at the mine end, if not included in the original cost of coal. GVK shall give discount on the gross amount of the bill in terms of clause G of the 'Supplementary Agreement for long term coal linkage allocated under SHAKTI Scheme 2017'. This discount shall be computed with reference to Scheduled Generation from Linkage Coal supplied under SHAKTI Scheme.

The petition shall be taken up for hearing / arguments on 08.08.2018 at 11.00 A.M.

-Sd/-

(Anjuli Chandra)
Member

-Sd/-

(S.S. Sarna)
Member

-Sd/-

(Kusumjit Sidhu)
Chairperson

Chandigarh

Dated: 11.06.2018