

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

**Petition No. 49 of 2014**

**Date of hearing: 19.05.2015**

**Date of Order: 20.05.2015**

Present: Smt.Romila Dubey, Chairperson  
Shri Gurinder Jit Singh, Member

In the matter of: Petition under Section 86 (1) (f) of the Electricity Act, 2003 in relation to disputes arising under the Power Purchase Agreement (PPA) dated 18.01.2010 between the Petitioner herein – Nabha Power Limited (NPL) and the Punjab State Electricity Board (PSEB), which stands substituted by Punjab State Power Corporation Limited (PSPCL) as the successor entity on unbundling of PSEB (2x700 MW Rajpura Thermal Power Project).

AND

Failure and/or refusal of PSPCL to accept the NPL's claim for extension of time in achieving the Scheduled Commercial Operation Date of the Project under the PPA occasioned on account of PSPCL's delay in timely providing the start up power and the Inter-connection and Transmission Facilities for the Rajpura Thermal Project in terms of the PPA dated 18.01.2010 and the adverse implications faced by NPL on account of such delays.

AND

In the matter of: Nabha Power Limited, SCO 32, Sector 26-D, Madhya Marg, Chandigarh-160019.

----Petitioner

Versus

Punjab State Power Corporation Limited through its Engineer-in-Chief, Thermal Designs, PSPCL, Shed No. T-2, Thermal Design Complex, Patiala-147001.

-----Respondent

For petitioner: Shri Aniket Prasoan, Advocate  
Shri Pramod Bhateley  
Shri Sameer Godbole

For PSPCL: Shri Sanjeev Gupta, Dy.CE/TR-2

## **ORDER**

The Commission had decided vide Order dated 18.12.2014 that the disputes arising under the Power Purchase Agreement (PPA) dated 18.01.2010 be referred for arbitration under Section 81 (1) (f) read with Section 158 of the Electricity Act, 2003. The parties were directed to give names of two Arbitrators each by 05.01.2015 for nomination by the Commission for referring the disputes for arbitration under the Arbitration and Conciliation Act 1996.

This decision of referring the matter for arbitration was challenged by Punjab State Power Corporation Limited (PSPCL) in Appeal No.43 of 2015 & IA No.46 of 2015 before Hon'ble APTEL. The Hon'ble APTEL has disposed of the Appeal vide Order dated 13<sup>th</sup> May, 2015 which is reproduced below:-

“With the consent of the Appellant and Respondent N.2 and without going into the merits of the respective contentions of the parties in the Appeal and in the peculiar facts and circumstances of the case in modification of the impugned Order, the disputes and differences between the Appellant and Respondent No.2 are hereby referred to the panel of three Arbitrators, namely, Hon'ble Mr. Justice (Retd.) R.M. Lodha, Former, Chief Justice of India as Presiding Arbitrator

and Hon'ble Mr. Justice (Retd.) Anil Dev Singh, Former Chief Justice, Rajasthan High Court and Chairperson, Appellate Tribunal for Electricity and Hon'ble Mr. R.D. Gupta, Ex-Member, UPERC as the nominee Arbitrators of the parties.

It is clarified that the appointment of the above arbitrators and disposal of the appeals are (a) without going into the legality of the issues involved in the case; (b) without expressing any opinion on the decision taken by the State Commission and (c) without casting any aspersion on the arbitrator named by the State Commission or action taken by the State Commission.

The fees of the arbitrators will be shared by the parties. Needless to say that fees and procedure of the arbitration will be decided by the arbitrators”.

In view of final disposal of the matter by Hon'ble APTEL, no further action / decision remains to be taken by this Commission in the petition. The petition stands disposed of accordingly.

**Sd/-**  
**(Gurinder Jit Singh)**  
**Member**

**Sd/-**  
**(Romila Dubey)**  
**Chairperson**

**Chandigarh**  
**Dated: 20.05.2015**