

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

Petition No. 09 of 2024**Date of Hearing: 11.09.2024****Date of Order: 17.09.2024**

Petition under Section 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 read with Article 17.3.1 of the PPA dated 01.09.2008 executed between Talwandi Sabo Power Ltd. and Punjab State Power Corporation Limited for recovery of amounts illegally deducted/withheld by Punjab State Power corporation Ltd. from various Monthly Invoices along with the Late Payment Surcharge.

And

In the matter of: Talwandi Sabo Power Limited, Mansa- Talwandi Sabo Road, Village Banawala, District Mansa, Punjab-151302

...Petitioner

Versus

Punjab State Power Corporation Limited, Through its Chief Engineer (PP&R), D-3 Shed, Shakti Vihar, PSPCL, Patiala, Punjab-147001

...Respondent

Commission: Sh. Viswajeet Khanna, Chairperson
Sh. Paramjeet Singh, Member

TSPL: Sh. Vishrov Mukherjee, Advocate (through VC)
Ms. Priyanka Vyas, Advocate (through VC)

PSPCL: Sh. Anand K Ganesan, Advocate(through VC)
Ms. Harmohan Kaur, CE&ARR/TR
Sh. Gagandeep Singh, Sr.Xen/PP-2
Sh. Baljinder Pal Singh, AEE/TR-5

ORDER

The Petition was taken up for hearing on admission. The Ld. Counsel appearing for PSPCL reiterated its preliminary objections, filed on 16.05.2024, on the issue of maintainability of the Petition. While submitting that the first issue of performance incentive is not under dispute and PSPCL is merely seeking some details to ascertain its trigger in terms of the FSA signed by TSPL, PSPCL reiterated that the other issues raised in the Petition have already been fully and finally settled under the directions of the Hon'ble Supreme Court vide its judgment dated 05.10.2017 and further orders dated 07.08.2019 and 09.03.2021.

Whereas, the Ld. Counsel appearing for TSPL argued that the grounds being raised by PSPCL pertain to the merits of the case which can be ascertained only through detailed proceedings. TSPL, also cited the Hon'ble Supreme Court Judgment

dated 18.10.12 in Civil Appeal No. 7524 of 2012 titled PTC India Ltd. Vs. GERC, holding that, *“Since, one of the objectives of the new enactment (Electricity Act 2003) is to ensure expeditious adjudication of the disputes raised by the parties, there is no warrant for entertaining preliminary/interlocutory objections raised by either party and decide the same by long-drawn hearing and by recording lengthy orders. The State Commission and the Tribunal should, while deciding the main matter consider all objections including the one relating to their jurisdiction to entertain the matter”.*

After hearing the parties and noting that the first issue of performance incentive is not being opposed by PSPCL, which has asked for certain details which are yet being disputed by TSPL, while PSPCL maintains that all the other issues have already been settled through the Supreme Court judgments relating to these issues, it would be prudent and fair to both sides for the Commission to examine all these assertions. PSPCL has not disputed the jurisdiction of the Commission to adjudicate all disputes between the generator and the discom under Section 86 (1) (f) of the Electricity Act 2003. Keeping that in mind, the Commission decides to admit the petition and examine all the issues in detail and pass appropriate orders.

PSPCL is directed to file its reply on merits within two weeks with a copy to TSPL (through hard copy & soft copy) and the rejoinder thereto, if any, may be filed by TSPL within one week thereafter with a copy to PSPCL (through hard copy & soft copy).

The petition shall be taken up for hearing on 06.11.2024 at 11.30 AM.

Sd/-
(Paramjeet Singh)
Member

Sd/-
(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: **17.09.2024**