

RECORD OF PROCEEDINGS

HEARING : July 12, 2013 at 11.30 hrs.

CASE NO. : 8 of 2013.

PETITIONER : Reliance Infrastructure Limited (RInfra-D)

RESPONDENT : Wardha Power Company Ltd. (WPCL)

MATTER : Petition for adjudication of dispute u/s 86(1) (f) of the E.A. 2003 arising out of issues pertaining to obligation of seller to supply contracted capacity under provisions of Article 5 (sub Article 5.1.1) of PPA dated 4th June 2010 entered between RInfra & Wardha Power Co. Ltd.

CORAM : Shri. V.P. Raja, Chairman
Shri. Vijay L. Sonavane, Member

1. Ms.Anjali Chandurkar, Advocate and Shri G.J.Thakkar appeared for the Petitioner. Advocates Shri Sanjay Sen & Shri Hemant Singh and Shri. N. Ramakrishnan, Director (WPCL) appeared for the Respondent.
2. Petitioner submitted that the Respondent has invoked LC, even after issue of Commission's Order dated 05 June 2013 in the case # 38 of 2012, which has similar matter but different time periods. The referred Order held that the Respondent should have supplied entire 260 MW to Petitioner, as per PPA without pro rata reduction, as Respondent had no other long term contracts for pro rata reduction.
3. Respondent submitted that he did not have a long term contract in October 2011(which was the subject matter in case # 38 of 2012 and the Commission dealt with the matter in its Order accordingly.) Respondent submitted that the current case pertains to different time period post October 2011.The main difference being that he has now signed a long term PPA with other buyers (captive user), which is now operative. Thus ,depending on the declared availability of the Power Station (in case it is less than 460 MW, due to various reasons), the Respondent was entitled to, as per clause 5.3.2 of the PPA dated 04 June 2010, to deliver Power proportionately to both ie Petitioner(R-Infra) and other purchasers(with whom Petitioner has long term PPA.) The Respondent pleaded that deductions from his monthly bills, therefore, on account of Capacity Charges due to less supply than contracted were not aligned with the terms of

PPA.Respondent further submitted that Petitioner has not responded to his submission dated 01 April 2013.

4. The Commission directed the Petitioner to submit rejoinder on Affidavit to Respondent's submission dated 01 April 2013. The Respondent was directed to submit copies of long term PPAs executed by him so far for his entire Power Plant and the date of commencement of supplies against each such contract. The Respondent should also submit the details of supplies made to long term users, to all concerned and to SLDC. The Commission directed both the Parties to comply with the directions given in previous daily orders and submit consolidated written arguments to the Commission with copies to each other and to authorize consumer representatives.

5. **The Commission posted the matter for hearing on Monday, 22 July, 2013 at 16:00 hrs.**

List of Persons present at the Hearing held on July12,2013 at 11:30 hrs

1. Ms. Anjali Chandurkar Advocate for Petitioner (RInfra-D)
2. Mr. G.J. Thakkar, RInfra-D
3. Mr. Sanjay Sen, Advocate for Respondent (WPCL)
4. Mr. Hemant Singh Advocate for (WPCL)
5. Mr. N. Ramakrishnan , Director ,WPCL