

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

Petition No. 05 of 2022
Date of Hearing: 15.11.2023
Date of Order: 17.11.2023

Petition under Section 86(1) (f) of the Electricity Act, 2003 read with Rule 10, 69, 71 and 73 of the PSERC (Conduct of Business) Regulations, 2005 read with Section 94 of the Electricity Act, 2003, for seeking setting aside/quashing of the order / letter dated 12.05.2021 issued by the respondent No. 1 / Punjab State Power Corporation Ltd. vide which the Power Purchase Agreement (PPA) dated 17.05.2019 executed between PSPCL and the petitioner for purchase of power from 1.5 MW biogas based Power project of the petitioner has been wrongly and illegally terminated.

With further prayer of Project specific extension of period of commissioning of the petitioner Company's biogas based 1.5 MW Power project upto 12.02.2024, as the delay in commissioning is occurring due to the reasons which were beyond the control of the petitioner, force majeure events and faults of the respondent No. 1/ PSPCL.

In the matter of: M/s SAB Industries Limited.

.....Petitioner

Versus

Punjab State Power Corporation Ltd. (PSPCL) and Ors.

...Respondents

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

Petitioner: None

PSPCL: Ms. Suparna Srivastva, Advocate
Ms. Harmohan Kaur, CE/ARR&TR
Sh. J.K Jindal, Sr.Xen
Sh. Ashish Bansal, Sr.Xen

PEDA: Sh. Aditya Grover, Advocate

ORDER

The petition was taken up for hearing. However, nobody is present on behalf of the petitioner. Even earlier, the petition was adjourned

for hearing on 19.07.2023, 11.08.2023, 05.10.2023 and 25.10.2023 on the request of the petitioner. The petitioner has submitted vide email dated 14.11.2023 that PSPCL has unilaterally cancelled their power agreement and PEDDA has also issued notice for cancellation of Implementation Agreement therefore, under these circumstances the dispute cannot be decided at this stage and requested for refund of fee. The fee is payable on the petition as per the PSERC (Fee) Regulations, 2005. The present petition was admitted and after admission of the petition hearings have also been held and claim of the petitioner for refund of the petition is not tenable. The petition was called several times but neither the petitioner nor anybody else appeared on its behalf. The petition is dismissed for non-prosecution under Regulation 14 (1) of the PSERC (Conduct of Business) Regulations, 2005.

Sd/-

(Paramjeet Singh)
Member

Sd/-

(Viswajeet Khanna)
Chairperson

Chandigarh
Dated: 17.11.2023