Chhattisgarh State Electricity Regulatory Commission
Irrigation Colony, Shanti Nagar, Raipur-492 001 (C.G.)
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Petition No. 21 of 2025

In the Matter of

Maintainability of petition filed for determination and truing up of Energy Charge Rate (ECR) as well as for approval of the reimbursable expenses for the period for FY 2013-14, FY 2017-18

M/s Sai Lilagar Power Generation Co. Ltd. (SLPGL)

... Petitioner

M/s Chhattisgarh State Power Distribution Co. Ltd. (CSPDCL)

... Respondent

Present: **Vivek Ganodwale, Member (Law)**

Ajay Kumar Singh, Member (Tech)

Appearance: Ms. Shivani Karmakar, Ms. Bhargavi Kannan and Mr. Shourya Abhinandan Thakur, counsels for petitioner M/s SLPGL,

Shri Abhinav Kardekar and Mr. Ayush Solanki, Mr. Pravin Khandelwal, counsels along with Shri Biplab Dutta, EE for respondent M/s CSPDCL

ORDER

(Passed on 13/11/2026)

This order is passed on the issue of maintainability of the petition raised by the respondent CSPDCL. The petition has been filed by M/s Sai Lilagar Power Generation Ltd. (M/s SLPGL) for truing up of Energy Charge Rate (ECR) as well as for approval of the reimbursable expenses for the period for FY 2013-14 to FY 2017-18. M/s SLPGL is a group company of M/s. Indramani Mineral (India) Private Limited, a company incorporated under the provisions of Companies Act,

1956. The Petitioner has supplied power from aforesaid generating station from FY 2013-14 to FY 2017-18 to Chhattisgarh State Power Distribution Company Limited (CSPDCL) as per the terms and conditions of the Power Purchase Agreements (PPA) dated 09.12.2013 and 15.06.2015.

CSPDCL's Submission on the issue of maintainability

2. On the issue of maintainability, M/s CSPDCL has submitted that the petition is filed in March 2025 for truing-up of energy charges for September 2013 to July 2017, is badly time-barred. In Regulations 5.2 and 5.8 of the CSERC MYT Regulations, 2015, true-up must be filed by 30th November of the following year, so the limit ended in November 2018. Even the general limit of 3-year ended in July 2020. The petitioner gave no reason for the delay. CSPDCL submitted that petitioner's earlier Petition No. 88 of 2020, on the same claim and period, was dismissed on 28.11.2022 as "not maintainable ab initio" for want of locus standi as the plant had been acquired by M/s. Indramani Mineral under an NCLT order which was hidden and no board resolution was filed. Also, that order was never challenged and therefore, has become final. Thus, a fresh petition cannot be entertained.
3. CSPDCL further submitted that M/s. SLPL's 75 MW supply was only a part-discharge of M/s. KSK Mahanadi Power Company Limited (M/s KMPCL's) concessional power obligation (5% of net generated power) under the PPAs. As per PPAs, the "Operative Price" is the lowest of (i) the Article 8 tariff, (ii) the price in any other qualifying agreement, and (iii) the M/s KMPCL PPA price. Hence, the petitioner's actual variable cost does not automatically become payable. Since M/s KMPCL's tariff for 2013–17 has not been determined, M/s. SLPL's tariff cannot be fixed first. Doing so would also defeat the Commission's order dated 07.05.2014 passed in Petition No. 11, which approved the PPA because M/s. SLPL's price would be capped at M/s. KMPCL's tariff.
4. CSPDCL summited that no PPA dated 09.12.2013 is on record, that the earlier Quad-Partite arrangement was terminated and that nothing before

15.06.2015 can be claimed. It also says any future methodology cannot override the PPA. Its conclusion is that the ad-hoc tariff already paid, Rs. 1.90 per unit (or any other ad-hoc rate mutually adopted), should be treated as the applicable tariff.

5. In view of above, M/s. CSPDCL submitted that the present petition is not maintainable and therefore, is liable to be dismissed.

M/s. SLPGL's submission on the issue of maintainability:

6. M/s. SLPGL submitted that M/s. CSPDCL admitted that Article 8 of the PPA dated 15.06.2015 requires final tariff determination and Rs. 1.90/kWh rate was only an "ad-hoc" tariff, paid provisionally and subject to adjustment. Therefore, a provisional tariff cannot become final just because time has passed.

7. M/s. SLPGL in the matter of limitation submitted that Regulations 5.2 and 5.8 of the MYT Regulations, 2015 only set a filing cycle. They do not say a late filing is barred or that the Commission loses its power to determine tariff. Relying on judgment in the matter of PTC India, K.C. Ninan and Ramayana Ispat matter, M/s SLPGCL's submitted that Regulations made under Section 181 cannot go beyond the Electricity Act. The 3-year civil limitation in Lanco Kondapalli applies only to the Commission's adjudicatory role under Section 86(1)(f), not to tariff determination under Sections 61 and 62.

8. M/s SLPGL further submitted that no final tariff was ever fixed for it, so there is nothing to "reopen". M/s. CSPDCL's closed ARR and true-up accounts are not a substitute for M/s SLPGL's tariff. Any final difference can be handled in M/s. CSPDCL's later ARR, and M/s CSPDCL cannot "approbate and reprobate".

9. M/s SLPGL further submitted that the earlier Petition No. 88 of 2020 was dismissed only on technical grounds i.e. non-disclosure of the plant's acquisition and no board resolution without deciding anything on merits. Relying on judgment passed in the matter Sharada Sanghi v. Asha Aggarwal, such a dismissal is not res judicata so the fresh petition should be heard on merits.

10. M/s SLPGL further submitted that in the matter of "lowest of" Operative Price, the clause is binding and that Article 8 tariff does not automatically become the final price but the tariff must first be determined under Article 8 after prudence check and only then compared with the other two prices. The PPA does not require M/s. KMPCL's tariff to be fixed first, and M/s CSPDCL's own reply accepts this order otherwise, the provisional tariff would continue forever. Hence, the M/s CSPDCL's stand also contradicts its reply in Petition No. 88 of 2020 where it objected that M/s SLPGL had asked to adopt M/s KMPCL's tariff instead of getting its own tariff determined under Article 8, so CSPDCL is estopped from changing its position.

11. M/s SLPGL further submitted that the "PPA dated 09.12.2013" in the petition heading is a clerical error, meant to refer to the M/s KMPCL PPA dated 18.10.2013. It says it is not asking to apply the 2015 PPA retrospectively. Supplies before 15.06.2015 were governed by the Quad-Partite Agreement dated 07.12.2013, read with the KMPCL PPA, and approved by the Commission's order of 07.05.2014. CSPDCL's own letter of 29.09.2014 accepted that supply began on 07.09.2013, called the Rs 1.90 rate provisional, and asked for steps to finalize tariff. The later 2015 agreements only changed the structure for future supply and did not erase supplies already made and accepted.

12. In view of above, M/s SLPGL submitted that the tariff for the period 2013–17 be determined and all reliefs granted.

Commission's view:

13. The Commission has examined the submissions of Petitioner and the Respondent in pursuance of the maintainability of the petition. The Commission's view on the submissions and prayers of the respective parties is discussed hereunder.

14. The Commission noted that Regulations 5.2 and 5.8 of the MYT Regulations, 2015 only set a filing cycle. Regulations 5.2 and 5.8 of the MYT Regulations, 2015, does not bar late filing. Regulations made by the Commission should be consistence with Electricity Act, hence, request for

determination of tariff in the present petition should be accepted. Also, the Commission agrees to the submission of the petitioner that 3-year civil limitation in matter of Lanco Kondapalli applies only to the Commission's adjudicatory role under Section 86(1)(f).

15. The Commission noted that as per PPAs, the "Operative Price" will be the lowest of (i) tariff determined for M/s SLPGL itself under the Article 8, (ii) the price fixed in any other qualifying agreement and (iii) the price fixed as per PPA of M/s KSK Mahanadi Power Company Limited M/s KMPCL. The Commission further notes that the supply of 75 MW of power by M/s SLPGL was only a part-discharge of M/s KMPCL for obligation of supplying 5% of net generated power at variable cost under the same PPAs.

16. In light of the aforesaid provision of the "Operative Price", the ECR determined in the present petition, shall not be billed to M/s CSPDCL until the ECR for the portion of power supplied by M/s KMPCL to M/s CSPDCL is determined.

17. In light of the above facts, the Commission is of the considered view that the present petition is maintainable.

Sd/-	**Sd/-**
(Ajay Kumar Singh)	**(Vivek Ganodwal)**
Member (Tech)	**Member (Law)**