

**Case No.20/2020**

**Interim Order-1**

**Date of hearing: 28.07.2020**

**Date of order: 28.07.2020**

Shri Buddy Ranganathan, Advocate and Shri Hemant Singh, Advocate on behalf of M/s. Vedanta Ltd., Shri Sukanta Kumar Panda and Ms. Susmita Mohanty representatives of GRIDCO Ltd. are present.

2. The case was posted on 28.07.2020 for hearing on question of admission as well as on merit. Due to Covid-19 pandemic situation it was decided by the Commission to hear the matter through Video Conferencing in the Virtual Court and accordingly notice was issued to the parties concerned.
3. During hearing through video conferencing the learned counsel appearing on behalf of M/s. Vedanta Ltd. states that the present petition has been filed for approval of Multi-year Tariff for supply of power from FY 2019-20 to FY 2023-24 by M/s. Vedanta Ltd. in terms of consolidated power purchase agreement (PPA) dt.19.12.2012 executed between M/s. Vedanta Ltd. and M/s. GRIDCO Ltd.
4. The representative of M/s. GRIDCO states that the present petition has been filed by M/s. Vedanta Ltd. basing on the draft Generation Regulation circulated by the Commission. Since final Regulation has not been published in the Gazette, the present application of M/s Vedanta may not be entertained.
5. The learned counsel for M/s. Vedanta Ltd. states that they have utilized the norms mentioned in the draft Regulation. The Commission may determine tariff as per the norms of draft Regulation. If final Regulation becomes different from the draft Regulation on any norm, the Commission may re-determine the tariff accordingly. He cites the decision of Hon'ble Supreme Court in case of PTC India V. CERC where Hon'ble Court has stated that tariff determination process cannot be withheld due to absence of Regulation. But he could not produce the order of Hon'ble Court due to technical difficulties in video conferencing.
6. Heard the parties. GRIDCO is directed to file its reply by 12.08.2020 with a copy to the petitioner. M/s. Vedanta Ltd. is directed to file their rejoinder along with cited case law by 22.08.2020 with a copy to GRIDCO.
7. Post the matter on 25.08.2020 at 11.00 AM for hearing. No further notice will be issued to any party.

**Sd/-  
Member (M)**

**Sd/-  
Member (P)**

**Sd/-  
Chairperson**