

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 155/MP/2012 with IA No. 53/2012

Sub: Application under Section 79 of the Electricity Act, 2003 evolving a mechanism for Regulating including changing and/or revising tariff on account of frustration and/or of occurrence of force majeure (Article 12) and/or change in law (article 13) events under the PPAs due to change in circumstances for the allotment of domestic coal by GOI-CIL and enactment of new coal pricing Regulation by Indonesian Government.

Coram	Dr. Pramod Deo, Chairperson Shri S.Jayaraman, Member Shri V.S.Verma, Member Shri M.Deena Dayalan, Member
Date of Hearing	6.11.2012
Petitioner	Adani Power Limited
Respondents	Uttar Haryana Bijli Vitran Nigam Limited, Panchkula Dakshin Haryana Bijli Vitran Nigam Limited, Panchkula Gujarat Urja Vikas Nigam Limited, Vadodara

Present:

Shri Amit Kapur, Advocate for APL
Ms. Poonam Varma, Advocate for APL
Shri Krishan S. Rana, Advocate for APL
Shri MG Ramachandran, Advocate GUVNL & HPPC
Ms Swapna Sheshadri, Advocate, GUVNL & HPPC
Shri Gautam Shahi, Advocate for APL
Shri Jatin R. Jalundhwala, APL
Shri Viput H. Jadav, APL
Shri Malav Deliwala, APL
Shri Pradhuman Gohil, Advocate
Shri S. Haritharan, Advocate
Shri Neil, Advocate

RECORD OF PROCEEDING

Learned counsel for the petitioner stated that IA has been filed for amendment of the petition which has already been admitted by the Commission, to seek the relief similar to that prayed for in the petition in respect of the PPA dated 6.2.2007 executed between the petitioner and Gujarat Urja Vikas Nigam Ltd (GUVNL) for supply of power from Units I to IV of Mundra Power Project and for this purpose to insert Part III in the petition. Learned counsel brought to the Commission's notice

paras 9 and 21 (b) of Part I and para 9 of Part II of the petition whereby the petitioner reserved liberty to seek similar relief in respect of the PPA dated 6.2.2007. Learned counsel submitted that the amendments have been indicated in the application and the complete Part III sought to be added to the petition has been separately annexed along with the application. Learned counsel stated that in view of the law declared by the Hon'ble Supreme Court, the amendment is to be allowed.

2. Learned counsel for GUVNL pointed out that an affidavit has been filed bringing out the discrepancy between the submission made by GUVNL during the proceeding and the observations made by the Commission in the order dated 16.10.2012. He further submitted that proceedings in relation to supply of power by the petitioner were pending before various forums. He prayed for three weeks time for filing the reply to the IA.

3. The Commission has allowed time up to 20.11.2012 for filing of reply in the IA as well as the main petition. The copies of the replies filed be served on the petitioner in advance. The petitioner may file its rejoinder thereafter by 26.11.2012.

4. Shri Pradyuman Singh, Advocate, appeared on behalf of Shri Amarsinh Chavda, 127 Heritage Bungalows, Opp. Science City, Bhadaj, Ahmedabad – 380060 (E-mail - abchavda@yahoo.com), who filed an affidavit 29.10.2012, requesting for impleadment as a party as he claimed to be the consumer of Uttar Gujarat Vij Company Ltd (UGVCL). Learned counsel prayed for a direction for impleadment. Learned counsel for the petitioner submitted that the petitioner had not received copy of application filed by Shri Chavda. He pointed out that no one had appeared in any proceeding at earlier stage.

5. The Commission allowed Shri Chavda to participate in the proceedings in this petition as a consumer. The Commission further directed the petitioner to immediately supply a copy of the petition as also of the IA to Shri Chavda who may file his objections/comments by 23.11.2012 with copy to the petitioner who may file its rejoinder if any by 30.11.2012.

6. The petition along with the IA shall be listed for further directions on 4.12.2012 at 1430 hrs.

(By Order of the Commission)

(T Rout)
Jt Chief (Law)