

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 6/MP/2013**

**Sub:** Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2 (b) of the power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating period.

Date of Hearing : 16.4.2013

Coram : Dr. Pramod Deo. Chairperson  
Shri V. S. Verma, Member  
Shri M. Deena Dayalan, Member  
Shri A. S. Bakshi, Member (E.O.)

Petitioner : Sasan Power Limited

Respondents: : MP Power Management Company Ltd. & Others

Parties present : Shri Amit Kapur, Advocate SPL,  
Shri Vishrov Mukherjee, Advocate SPL  
Ms. Poonam Verma, Advocate SPL  
Shri Arun, Dhillon, SPL  
Shri N. K. Deo, SPL  
Shri R.S. Johri, SPL  
Shri S. Mukeherjee, SPL  
Shri M.G. Ramachandran, Advocate HPGCL  
Shri Apoorva Karol, Advocate HPGCL  
Shri Chirag Kher, Advocate HPGCL  
Shri G. Umapathy, Advocate MPPMCL  
Shri K.K. Aggarwal, MPPMCL  
Shri N. Kohli, MPPMCL  
Shri R.V. Saxena, MPPMCL  
Shri Pradeep Mishra, Advocate, UPPCL  
Shri Padamjit Singh, PSPCL  
Shri Sunil Barwwal, BRPL  
Shri Sameer Singh, BYPL  
Shri Shekhar Saklani, BYPL  
Shri Alok Shankar, TPDDL  
Shri Sandeep Somisttty,  
Shri Raj Verma,

Shri P. Venkatakrao,  
Shri Mayank Gupta,  
Shri Sanjay Shrivastav,  
Ms. Swati,

## **Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed to claim compensation on account of the changes in law during operating period. He submitted that the Independent Engineer had issued the performance test certificate for the first unit and the COD for the first unit was 31.3.2013 on which date the operating period had commenced. In this regard, learned counsel referred to the additional documents filed on behalf of the petitioner on 15.4.2013 including the record of discussions of the procurers meeting held on 20.3.2013 and the various correspondence with respect to the commissioning tests and COD.

2. The representative of the respondents submitted that they have not agreed to the declaration of COD and have only given their consent to scheduling of infirm power. The representative of respondents also highlighted that the commissioning test had to be carried out at 95% of the contracted capacity for 72 hours which has not been done. Therefore, the petition is premature. Learned counsels for the HPGCL and UPPCL requested for two weeks time to file reply to the petition.

3. The Commission after perusal of the documents and taking note of the submissions made by learned counsel for the petitioner, observed the following:

- (a) The Independent Engineers' Test Certificate was for 101.38 MW.
- (b) WRLDC had granted permission to SPL to ramp up capacity on 30.3.2013.
- (c) The Chairperson of CEA was in discussion with SPL as well as WRLDC and had arranged for capacity for ramping up capacity, which the petitioner did not avail.
- (d) The Project is based on super-critical technology. However, no testing has been done on super-critical parameters.

4. In response to the observation of the Commission, learned counsel on instructions submitted that the initial testing was done at 100 MW due to the restrictions placed by WRLDC and that by the time, WRLDC granted permission for ramping up, almost 60 hours of testing had been carried out.

5. The Commission observed that the petitioner should carry out another test at super-critical parameters at the earliest. Learned counsel of the petitioner expressed a concern that the testing may get delayed. In order to ensure that there is no further delay in the matter, the Commission directed the petitioner to carry out the tests giving advance notice of one week. The Commission further directed CEA and WRLDC to facilitate the testing at the earliest.

6. The Commission granted three weeks time to carry out the aforesaid test.

7. The Commission directed the respondent to file their replies by 3.5.2013 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 6.5.2013.

8. The petition shall be listed for hearing on 9.5.2013.

**By order of the Commission**

**-Sd-  
(T. Rout)  
Joint Chief Legal**