

**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 : 23.5.2013

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, Mumbai

Respondents: : MP Power Management Company Ltd. & Others

Parties present : Shri Amit Kapur, Advocate SPL,
Shri Vishrov Mukherjee, Advocate SPL
Shri P.Venkatarao, SPL
Shri N. K. Deo, SPL
Shri Raj Verma, SPL
Shri Sandeep Somisetty, SPL
Shri Arun Dhillon, SPL
Shri Mayank Gupta, SPL
Shri M.G. Ramachandran, Advocate, HPGCL
Shri G. Umamathy, Advocate, MPPMCL
Shri R.S.Johri, MPPMCL
Shri Pradeep Mishra, Advocate, UPPCL
Shri Daleep Dhayani Advocate, UPPCL
Shri B.Parida, UPPCL
Shri Alok Shankar, Advocate, TPDDL

Record of Proceedings

At the outset, learned counsel for the petitioner submitted as under:

- (a) The present petition relates to determination of the quantum of adverse impact of change in law on the capital expenditure and operating expenditure of

Sasan UMPP for the operating period. The events constituting changes in law that are relied upon by the petitioner have already occurred and as such there is nothing that prevents the Commission from deciding the petition pending since 16.1.2013.

(b) Western Regional Load Despatch Centre has also accepted the COD and has scheduled the power generated from the first unit of Sasan UMPP as per its declared capacity.

(c) In terms of Article 13(2)(b) of the Power Purchase Agreement, this Commission has to decide the quantum of compensation to offset the impact of changes in law as well as the date from which the compensation will be due.

(d) The Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 also envisages anticipatory filing for determination of tariff within 6 months prior to COD whereas the tariff applies from COD.

2. Learned counsels for the respondents submitted that as the operating period had not commenced, the petition is premature. Learned counsels for the Respondents further submitted that since the issue of commissioning and COD is pending before the Commission in Petition No. 85 of 2013, the same may be disposed of before the present petition is taken up for hearing.

3. After hearing learned counsels for the petitioner and respondents, the Commission directed to adjourn the matter to 6.6.2013.

By order of the Commission

**SD/-
(T. Rout)
Joint Chief Legal**