

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 79/MP/2013

Sub: : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Articles 13 and 17 of the Power Purchase Agreement dated 07.08.2007 executed between the Distribution Companies in the State of Haryana and PTC India Limited and the back to back PPA dated 12.3.2009 entered into between GMR Energy Limited and PTC Indian Limited for compensation due to change in law impacting revenues and costs during the operating period.

Petition No. 81/MP/2013

Sub: Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Articles 13 and 17 of the Power Purchase Agreement dated 07.08.2007 executed between the Distribution Companies in the State of Haryana and PTC India Limited and the back to back PPA dated 12.3.2009 entered into between GMR Energy Limited and PTC Indian Limited for compensation due to change in law impacting revenues and costs during the operating period.

Petition No. 77/GT/2013

Sub: Petition under Section 62 and Section 79 (1) (b) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 seeking determination of tariff in respect of 262.5 MW gross capacity sale form Kamalanga Thermal Power Plant of GMR- Kamalanga Energy Limited (GKEL) to GRIDCO acting as nominee of government of Odisha for procuring power for the Odisha Distribution Companies from the period commencing from 1.4.2013 to 31.3.2014.

Date of hearing : 11.3.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : GMR-Kamlanga Energy Limited, Bangalore
GMR Energy Limited, Bangalore

Respondents : Dakshin Haryana Bijili Vitran Nigam Limited
Uttar Haryana Bijili Vitran Nigam Limited

GRIDCO Limited & Others

Parties present : Shri Amit Kapoor, Advocate for the petitioner
Shri Vishrov Mukerjee, Advocate, GMR
Ms. Ritika Arora, Advocate, GMR
Shri A.P.Mishra, GMR
Shri Santosh Shreedharan, GMR
Shri G. Umapathy, Advocate, Haryana Discom
Shri Aditya Dewan, Advocate, PTC
Shri R.B. Sharma, Advocate, GRIDCO

Record of Proceedings

Learned counsel for the Dhakshin Haryana Bijli Vitran Nigam Limited (DHVBNL) and Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) submitted that DHVBNL and VHBVNL have filed an Appeal No. 44 of 2014 against the order dated 16.12.2013 in the Petition No. 79/MP/2013 and 81/MP/2013 in the Hon'ble Appellate Tribunal for Electricity on the issue of jurisdiction of CERC to deal with the tariff of the generating station. Learned counsel submitted that APTEL has admitted the appeal and the application for stay is listed for hearing on 4.4.2014. Learned counsel requested the Commission to adjourn the matters by four weeks by which time the decision of ATE on the issue of maintainability of the petition and the jurisdiction of CERC in this matter is likely to be available.

2. Learned counsel for the petitioners objected to the prayer for adjournment and requested to grant provisional tariff for the project. Learned counsel for the petitioner also sought permission of the Commission to file updated information/data in the petitions, which was permitted by the Commission.

3. The Commission directed to list the matter on 9.4.2014. The Commission also directed the petitioner to file updated information/data, with an advance copy to the respondents, on or before 24.3.2014.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)