

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 183/MP/2015

- Subject : Petition under section 79 (1) (f) of the Electricity Act, 2003 for the adjudication of disputes over an increase in tariff sought by the petitioner for its power plant selling power to Andhra Pradesh and Telangana licensees, to compensate for the increase in Clean Energy Cess on coal, being a 'Change in Law' under the contracts between petitioner and the respondents.
- Date of hearing : 15.9.2015
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Meenakshi Energy Private Limited
- Respondents : Telangana State Power Coordination Committee and others
- Parties present : Shri Sitish Mukherjee, Advocate, MEPL
Shri Vishal Binod, Advocate, MEPL
Shri Jafar Alam, Advocate, MEPL
Ms. Anuja Tiwari, MEPL
Ms. Supriya Singh, NRLDC

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for adjudication of disputes relating to compensation for the increase in the clean energy cess levied by the Central Government on imported coal and direction to the respondents to pay compensation for the increase in the clean energy cess. Learned counsel further submitted that the petitioner had entered into a PPA with PTC on 1.7.2013 for sale of 150 MW power. Andhra Pradesh Power Coordination Committee invited a short tender for the period from 30.5.2014 to 28.5.2015 in which PTC participated in the tender process on behalf of the petitioner. Based on the bid submitted by PTC, on 29.4.2014, Andhra Pradesh Central Power Distribution Company Ltd., which is now known as Southern Power Distribution Company of Telangana Limited, issued purchase orders for procurement of 240 MW of Firm RTC power. Meanwhile, the Central Govt. increased the clean energy cess on coal. The petitioner

vide its various letters requested the PTC and the respondents to increase tariff due to change in law. However, the respondents denied the same.

2. In response to the Commission`s query regarding maintainability of the petition, learned counsel for the petitioner submitted that since the petitioner is supplying power to more than one State under a composite scheme, the dispute can be adjudicated by this Commission in terms of Section 79 (1) (b) read with Section 79(1) (f) of the Electricity Act, 2003. On the issue of jurisdiction, learned counsel placed his reliance on the Judgments of the Hon`ble High Court in PTC Vs Jayaprakash Power Venture Limited and Hon`ble Appellate Tribunal for Electricity in Lanco Power Limited Vs Haryana Electricity Regulatory Commission.

2. After hearing the learned counsel for petitioner, the Commission directed to issue notice to the respondents on the maintainability of the petition. The Commission directed the petitioner to serve copy of the petition on the respondents immediately.

3. The Commission directed the respondent to file their replies by 30.9.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 15.10.2015. The Commission directed that due date of filing the reply and rejoinder shall be complied with and no extension on that account shall be granted.

4. The petition shall be listed for hearing on 29.10.2015 on the maintainability.

By order of the Commission

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