

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.131/MP/2016

- Subject : Petition under Section 79 of Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the PPA dated 9.11.2011 executed between GMR Kamalanga Energy Ltd. and Bihar State Electricity Board and Article 13 of the PPA dated 12.3.2009 between GMR Energy Ltd. and PTC India Ltd. with back to back PPA between PTC India Ltd. and Haryana Distribution companies for compensation due to Change in Law.
- Petitioners : GMR Kamalanga Energy Ltd. and GMR Energy Ltd.
- Respondents : Dakshin Haryana Bijli Vitran Nigam Ltd. and Others
- Date of hearing : 6.10.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Parties present : Shri Vishrov Mukerjee, Advocate, GMRKEL
Shri Rohit Venkat, Advocate, GMRKEL
Ms. Raveena Dhamija, Advocate, GMRKEL

Record of Proceedings

Learned counsel for the petitioners submitted that the present petition has been filed invoking Article 13 of the PPA read with Section 79 (1) (b) of the Electricity Act, 2003 seeking following reliefs due to Change in Law events during operating period of the project:

- (a) Increase in rushing/sizing charges;
 - (b) Increase in surface transportation charges;
 - (c) Increase in electricity duty on auxiliary consumption;
 - (d) Contribution to water conservation;
 - (e) Contribution to National Mineral Exploration Trust-District Mineral Foundation;
 - (f) Levy of charges on transportation of ash;
 - (g) Levy of Swachh Bharat cess; and
 - (h) Levy of Krishi Kalyan cess.
2. Learned counsel requested the Commission to issue notice to the respondents.
3. After hearing the learned counsel for the petitioner, the Commission admitted

the petition and directed to issue notice to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents by 21.10.2016. The respondents were directed to file their replies, on affidavit, by 18.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 2.12.2016. The Commission directed the petitioner and the respondents that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 20.12.2016.

By order of the Commission

Sd/-

(T. Rout)
Chief (Law)