

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.175/MP/2016**

Subject : 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 PPA dated 7.8.2007 executed between Sasan Power Ltd. and the procurers for compensation due to Change in Law impacting revenues and costs during the operating period.

Date of hearing : 15.11.2016

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : Sasan Power Limited

Respondents : MP Power Management Co. Ltd. & Others

Parties present : Shri Janmali M., Advocate, SPL  
Shri M.G. Ramachandran, Advocate, Rajasthan Discoms  
Ms. Anushree Bardhan, Advocate, Rajasthan Discoms  
Shri Gaurav Gupta, Advocate, PSPCL

**Record of Proceedings**

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

(a) Levy of service tax on services provided by Government and Local Authorities with effect from 1.4.2016; and

(b) Imposition of additional obligation on coal/lignite based thermal power plants by Ministry of Environment and Forest requiring to incur partial/total cost of transportation of fly ash generated at the plants to various industries utilizing the same with effect from 25.1.2016.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

3. Learned counsel appearing on behalf of the Rajasthan Discoms accepted the notice.

4. The Commission directed the petitioner to serve copy of the petition on the respondents by 25.11.2016. The respondents were directed to file their replies by 19.12.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 30.12.2016. The Commission directed 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 17.1.2017.

**By order of the Commission**

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