

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 55/2016 in
Petition No. 19/RP/2016**

Subject : Application for direction to allow SPL to include royalty, stowing excise duty, transit fee and MPGATS

Petitioner : Sasan Power Limited.

Respondents : MP Power Management Company Limited and Others

Date of hearing : 20.12.2016

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, SPL
Rohit Venkat, Advocate, SPL
Ms. Raveena Dhamija, Advocate, SPL
Shri Surya Kant, SPL
Shri G.Umapathy, Advocate, MPPMCL
Ms. Ranjitha Ramachandran, Advocate, Rajasthan Discoms
Ms. Anushree Bardhan, Advocate, Rajasthan Discoms

Record of Proceeding

Learned counsel for SPL submitted that the present Interlocutory Application (IA) has been filed pursuant to the Commission`s direction dated 22.9.2016 in Petition No.19/RP/2016 directing the petitioner to approach the appropriate authority in the Central Excise Department for clarification regarding whether excisable value of coal for the purpose of computation of excise duty would include royalty and stowing duty. In this regard, the petitioner, vide its letter dated 26.9.2016, sought clarification from Central and Service Tax Department, Singrauli, Madhya Pradesh. Office of the Superintendent, Central Excise, Singrauli vide its letter dated 26.9.2016 clarified that in terms of Section 4 of the Central Excise Act, 1944, royalty, stowing excise duty and transit fee shall be added for arriving the assessable value of coal for payment of excise duty. Learned counsel for the petitioner requested to issue notices to the respondents.

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

3. The Commission directed the petitioner to serve copy of the IA on the respondents immediately. The respondents were directed to file their replies, on affidavit, by 4.1.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 16.1.2017. 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.

4. The IA shall be listed for hearing on 24.1.2017.

By order of the Commission

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