

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 155/MP/2012

Sub: Application under Section 79 of the Electricity Act, 2003 evolving a mechanism for Regulating including changing and/or revising tariff on account of frustration and/or of occurrence of force majeure (Article 12) and/or change in law (Article 13) events under the PPAs due to change in circumstances for the allotment of domestic coal by GOI-CIL and enactment of new coal pricing Regulation by Indonesian Government.

Petitioner : Adani Power Limited

Respondent : Uttar Haryana Bijli Vitran Nigam Limited and others.

Petition No. 159/MP/2012

Sub: Petition under Sections 61, 63 and 79 of the Electricity Act, 2003 for establishing an appropriate mechanism to offset in tariff the adverse impact of the unforeseen, uncontrollable and unprecedented escalation in the imported coal price due to enactment of new coal pricing Regulation by Indonesian Government and other factors

Petitioner : Coastal Gujarat Power Limited.

Respondent : Gujarat Urja Vikas Nigam Limited and others.

Date of hearing : 26.4.2016

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

Parties present : Shri Amit Kapur, Advocate, APL & CGPL
Shri Apoorva Mishra, Advocate, APL & CGPL
Shri Abhishek Munot, Advocate, APL & CGPL
Shri Kunal Kaul, Advocate, APL & CGPL
Shri Akshat, Advocate, APL & CGPL
Shri Jatin Jalundhwala, APL
Shri Malav Deliwala, APL
Shri K.K. Sharma, CGPL
Shri M.G. Ramachandran, Advocate, Prayas Energy

Ms. Poorva Saigal, Advocate, Prayas Energy
Shri Shubham Arya, Advocate, Prayas Energy
Shri Ashwini, Prayas Energy
Shri G. Umopathy, Advocate, Haryana Discoms
Shri Nitish Gupta, Advocate, GUVNL, JVVNL & MSEDCL
Shri G. Saikumar, Advocate, MSEDCL
Shri S.K. Nair, GUVNL
Shri B.L. Sharma, JVVNL
Shri Bijoy Mohanty, Tata Power
Shri Abhay Kumar, Tata Power
Shri Saurabh, Tata Power

Record of Proceedings

Learned counsel for the petitioners apprised the Commission with respect to the Full Bench Judgment of Appellate Tribunal for Electricity dated 7.4.2016 in Appeal No. 97 of 2014 and batch and submitted that on the basis of the judgment of Appellate Tribunal, the Commission shall be required to assess the extent of impact of Force Majeure on the projects of APL and CGPL and give such relief as available under the PPA.

2. Learned counsel for the petitioners further proposed that parties shall jointly pen down the impact of Force Majeure and relief to be given thereupon by sitting with the Distribution Companies. In response, learned counsels for the distribution companies submitted that they shall revert within a day or two on the above proposal after getting instructions from the distribution companies.

3. Learned counsel for Prayas Energy submitted that since the matter has been remanded by the Appellate Tribunal to the Commission for assessment of the extent of impact of Force Majeure on the projects of the petitioners, there is a requirement of pleadings with regard to the impact, implementation and quantification of relief on account of Force Majeure in terms of the directions of the Appellate Tribunal. Learned counsel requested the Commission to direct the petitioners to submit their pleadings with regard to the impact and implementation of the directions of the Appellate Tribunal and quantification of relief. Learned counsel further submitted that after the petitioners have filed their pleadings, the respondents and the consumer group be given time to file their replies. Thereafter, the Commission may take up the matter for final hearing.

4. After hearing the learned counsels for the petitioners and the respondents, the Commission directed the petitioners to file their submissions, by 11.5.2016 detailing the impact of force majeure and the proposed relief to be given, with an advance copy to the respondents and Prayas Energy who may file their responses, by 25.5.2016. The petitioner was directed to file its rejoinder, if any, to the responses, on or before 31.5.2016. The

Commission directed that due date of filing the submissions should be strictly complied with. No extension shall be granted on that account.

5. The Commission directed to list the petitions for hearing on 9.6.2016.

By order of the Commission

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