

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 235/MP/2015

- Subject : Petition under Sections 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 2.2.2007 and 6.2.2007 executed by Adani Power Limited with Gujarat Urja Vikas Nigam Limited and the Power Purchase Agreements dated 7.8.2008 executed by Adani Power Limited with Uttar Haryana Bijli Vitran Nigam Limited/ Dakshin Haryana Bijli Vitran Nigam Limited.
- Date of hearing : 19.1.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Adani Power Limited
- Respondents : Uttar Haryana Bijli Vitran Nigam Limited and others
- Parties present : Shri Vikram Nankani, Senior Advocate, APL
Shri Gaurav Dudeja, Advocate, APL
Ms. Poonam Verma, Advocate, APL
Shri Tanmay, APL
Shri Anand K. Ganesh, Advocate, GUVNL
Shri G. Umopathy, Advocate, UHBVNL/DHBVNL

Record of Proceedings

The Commission observed that since the judgment in the Appeal No. 98 of 2014 and Batch matters with regard to jurisdiction of the Commission in the matter has been reserved by Appellate Tribunal for Electricity, the captioned matter shall be listed for hearing after judgment is passed by Appellate Tribunal.

2. In response, learned senior counsel for the petitioner submitted that the issue pending before Appellate Tribunal in Appeal No. 98 of 2014 is with regard to grant of compensatory tariff whereas issue in the captioned matter is grant of relief for change in Law event i.e. withdrawal/exemptions of Excise Duty and Customs Duty. He further submitted that Gujarat Urja Vikas Nigam Limited in its reply has agreed to grant of interim relief i.e. clean energy cess. Therefore, the same may be granted subject to decision in the judgment in Appeal No. 98 of 2014 and others.

3. The Commission observed that if the petitioner and GUVNL mutually decide for payment of clean energy cess, the same will be subject to the outcome of the proceedings in this petition.

4. The petition shall be listed for hearing on 17.3.2016.

By order of the Commission

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