

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 47/MP/2016

Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 for adjudication of claims towards compensation arising out of change in law and consequential reliefs as per provisions of the PPA dated 20.1.2014 read with back to back PPA dated 18.1.2014.

Date of hearing : 5.5.2016

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

Petitioner : M.B. Power (Madhya Pradesh) Limited

Respondents : U.P. Power Corporation Limited and others

Parties present : Shri Sakiya Choudheri, Advocate, MBPL
Shri Tushar Srivastava, Advocate, MBPL
Ms. Amrita Narayan, Advocate, MBPL
Ms. Puja Priyadarshini, Advocate, MBPL
Shri Manoj Rajtogi, MBPL
Shri Abhishek Gupta, MBPL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for adjudication of claims arising from change in law and consequential reliefs as per the provisions of the PPA dated 20.1.2014.

2. On a specific query by the Commission as to how the generating station of M.B. Power (MP.) Ltd. qualifies the requirement of a 'Composite Scheme' under Section 79 (b) of the Electricity Act, 2003, learned counsel for the petitioner submitted that since electricity from the generating station is being supplied to more than one State i.e. the States of U.P. and M.P., it satisfies the condition of a composite scheme. In reply to counter query of the Commission as to whether the petitioner has a PPA with MP, learned counsel submitted that power to MP is supplied under MOU and presently, the tariff of the share of MP is being determined by the MPERC. He further submitted that the copy of the MOU would be placed on record. The Commission further desired to know as to how the tariff of the part of the capacity of the generating station would be determined by MPERC and the dispute regarding other part of the capacity of the

generating station would be adjudicated by CERC. Learned counsel replied that the Commission would exercise jurisdiction over the capacity which is supplied to UP. The Commission directed the learned counsel for the petitioner to examine its case in the light of the Full Bench judgment of the Appellate Tribunal for Electricity in Adani and Tata case where the Hon`ble Tribunal has clearly dealt with the requirement of a composite scheme and file a written submission in this regard before the next date of hearing.

3. After hearing the learned counsel, the Commission directed the petitioner to implead the State of MP as party to the petition and file revised memo of parties. The Commission directed to issue notice to the existing respondents as well as the State of MP on the issue of 'composite scheme' of the generating station of the petitioner

4. The Commission directed the petitioner to serve copy of the petition on the respondents by 20.5.2016. The respondents were directed to file their replies by 10.6.2016 with an advance copy to the petitioner who may file its rejoinder, if any, by 24.6.2016.

5. The Commission directed the petitioner to file the copies of the petition filed before MPERC and the Power Purchase Agreement entered into with M.P. alongwith the tariff order. The Commission directed that due date of filing the information, replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

6. The petition shall be listed for hearing on 14.7.2016 on admissibility.

By order of the Commission

(T. Rout)
Chief (Law)