

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.131/MP/2016**

Subject : Petition under Section 79 of Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the PPA dated 9.11.2011 executed between GMR Kamalanga Energy Ltd. and Bihar State Electricity Board and Article 13 of the PPA dated 12.3.2009 between GMR Energy Ltd. and PTC India Ltd. with back to back PPA between PTC India Ltd. and Haryana Distribution companies for compensation due to Change in Law.

Petitioners : GMR Kamalanga Energy Ltd. and Another

Respondents : Dakshin Haryana Bijli Vitran Nigam Ltd. and Others

Date of hearing : 13.7.2017

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, GMRKEL  
Ms. Raveena Dhamija, Advocate, GMRKEL  
Shri Yashaswikant Sharma, Advocate, GMRKEL  
Shri G. Umopathy, Advocate, Haryana Discoms  
Shri Aditya Singh, Advocate, Haryana Discoms  
Shri Naveen Kohli, Advocate, Haryana Discoms  
Shri R.B. Sharma, Advocate, BSP(H)CL  
Shri M.G. Ramachandran, Advocate, Prayas  
Ms. Ranjitha Ramachandran, Advocate, Prayas  
Ms. Poorva Saigal, Advocate, Prayas  
Shri Ashish Anand Bernad, Advocate, PTC India  
Shri Paramhans, Advocate, PTC India

**Record of Proceedings**

Learned counsel for Haryana Discoms and PTC India Limited requested for two weeks time to file their replies. Learned counsel for Prayas submitted that the copy of the petition was received recently and requested for two weeks time to file the reply. Requests were allowed by the Commission.

2. Learned counsel appearing on behalf of Bihar State Power (Holding) Co. Ltd. submitted that the reply to the petition has already been filed.

3. After hearing the learned counsels for the parties, the Commission directed Haryana Discoms, PTC India and Prayas to file their replies, on affidavit, by 28.7.2017

with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 14.8.2017.

4. The Commission directed the Petitioner to submit the following information/ clarifications on affidavit, on or before 4.8.2017, with an advance copy to the respondents and Prayas:

(i) Details of fly ash generation corresponding to energy supplied to all the long term beneficiaries separately for the claim period till 31.3.2017, along with quantum of ash transported up to 100 km distance and beyond 100 Km (up to 300 Km) and rate of ash transportation cost.

(ii) Whether the Petitioner has awarded the contract for transportation of ash through competitive bidding or through negotiation route. If the contract has been awarded through competitive bidding, submit the copy of agreement along with the rate of transportation cost and if the contract has been awarded through negotiation route, justify that the price considered was competitive, along with a copy of agreement.

(iii) Actual fly ash transportation cost paid for transportation of fly ash beyond 100 Km (up to 300 Km) as per MoEF notification dated 25.1.2016 duly certified by Auditor for the claim period till 31.3.2017.

(iv) Under which head of account, transportation expenditure is booked and whether cost of such transportation was being recovered in tariff.

(v) Whether the Petitioner is maintaining a separate account for revenue earned from sale of ash as per the notification of MOEF. If yes, furnish the total revenue accumulated and the expenditure incurred from the same account till date. If not, the reason for not maintaining such separate account.

5. The Commission directed that due date of filing the replies, rejoinder and information/ clarifications should be strictly complied with. No extension shall be granted on that account.

6. The Petition shall be listed for hearing on 29.8.2017.

**By order of the Commission**

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