

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.170/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 27.11.2013 between the Petitioner and Respondent.

Petitioner : KSK Mahanadi Power Company Limited

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd.

Petition No. 171/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 26.2.2014 between the Petitioner and Respondents.

Petitioner : KSK Mahanadi Power Company Limited

Respondents : Madhyanchal Vidyut Vitran Nigam Ltd. and Others

Petition No. 179/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 27.11.2013 between the Petitioner and Respondent.

Petitioner : KSK Mahanadi Power Company Limited

Respondents : Tamil Nadu Generation and Distribution Corporation Ltd.

Date of hearing : 14.9.2017

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

Parties present : Ms. Swapna Seshadri, Advocate, KMPCL
Shri G. Umapathy, Advocate, TANGEDCO
Shri S.Vallinayagam, Advocate, TANGEDCO
Shri M.G. Ramachandran, Advocate, Prayas
Ms. Anushree Bardhan, Advocate, Prayas

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petitions have been filed *inter-alia* for seeking adjudication of claim towards compensation arising out of 'Change in Law' and consequential reliefs as per provisions of the PPAs dated 27.11.2013, 26.2.2014 and 27.11.2013 respectively, executed between the parties. Learned counsel for the Petitioner further submitted as under:

(a) The Hon'ble Supreme court vide its judgement dated 11.4.2017 in Appeal No. 5399-5400 of 2016, has held that if a generating company having a scheme for generation and sale of electricity in more than one State, then it is enough to construed that the generating company is having composite scheme. Since, the Petitioner is supplying power to more than one State under long term PPA, it is construed that the Petitioner is having a composite scheme. Accordingly, the Commission has jurisdiction to embark upon the issues raised in these Petitions.

(b) Learned counsel for the Petitioner requested the Commission to admit the Petitions and issue notice to the Respondents.

2. Learned counsel for Prayas submitted that the Petitioner has not served the copies of the Petitions so far and requested to direct the Petitioner to serve copies of the Petitions on Prayas.

3. Upon hearing the learned counsels for the parties, the Commission admitted the Petition Nos. 170/MP/2016 and 171/MP/2016 and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve the copies of the Petitions on the Respondents and Prayas immediately, if not served already. The Commission directed the Respondents and Prayas to file their replies, by 6.10.2017, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 3.11.2017. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. These Petitions shall be listed for hearing on 14.11.2017.

By order of the Commission

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