

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.175/MP/2016

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2 (b) of the PPA dated 7.8.2007 executed between Sasan Power Ltd. and the procurers for compensation due to Change in Law impacting revenues and costs during the operating period.

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

Petitioner : Sasan Power Limited

Respondents : MP Power Management Co. Ltd. & Others

Parties present : Shri Vishrov Mukerjee, Advocate, SPL
Ms. Raveena Dhamija, Advocate, SPL
Shri Yashaswikant Sharma, Advocate, SPL
Ms. Swapna Seshadri, Advocate, PSPCL & HPPC
Shri G. Umapathy, Advocate, MPPMCL
Shri Aditya Singh, Advocate, MPPMCL
Shri Naveen Kohli, Advocate, MPPMCL
Shri M.G. Ramachandran, Advocate, Prayas
Ms. Ranjitha Ramachandran, Advocate, Prayas
Ms. Poorva Saigal, Advocate, Prayas
Shri Ravi Sharma, Advocate, TPDDL
Shri Rajeev Srivastava, Advocate, UP Discoms

Record of Proceedings

Learned counsel for the Petitioner requested for one week time to file the rejoinder to the reply filed by UP Discoms. Learned counsel for PSPCL requested for one week time to file its reply. Requests were allowed by the Commission.

2. After hearing the learned counsels for the parties, the Commission directed the respondents including Prayas to file their replies, by 28.7.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 14.8.2017.

3. 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:

- (a) The details of the service tax paid in each category from the date of Change in Law occurred to 31.3.2017.
- (b) Clarify the expenditure towards ash disposal with respect to the notification of Ministry of Environment and Forests (MoEF) dated 25.1.2016:
- (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 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.

4. 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.

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

By order of the Commission

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