

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 179/M/P/2016**

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 for adjudication of disputes arising under the Power Purchase Agreement dated 27.11.2013 between the petitioner and respondent .

Date of hearing : 10.8.2017

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

Petitioner : KSK Mahanadi Power Company Limited

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd.

Parties present : Shri Anand K Ganesan, Advocate, KSKMPCL  
Shri G. Umapathy, Advocate, TANGEDCO  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Ms. Ranjitha Ramachandran, Advocate, Prayas  
Ms. Anushree Bardhan, Advocate, Prayas  
Shri U.K. Agarwal, UHBVN  
Shri Rajiv Srivastava, U.P. Discoms

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed seeking adjudication of disputes arising under the PPA dated 27.11.2013 between the parties. Learned counsel further submitted that on account of 'Change in Law' that has occurred in terms of Article 13 of the PPA dated 27.11.2013 by reason of Presidential directive dated 17.7.2013 issued by the Government of India resulting in non-availability of the tapering linkage of coal granted to the petitioner earlier and directive of the Ministry of Power dated 31.7.2013, there is a consequent impact on the fuel cost for the supply of electricity by the petitioner to the respondent.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondent.

3. Learned counsel appearing for TANGEDCO accepted the notice to the petition and requested the Commission to tag the present petition for hearing along with Petition

Nos. 170/MP/2016 and 171/MP/ 2016 since the issues involved in the present petition are similar to those involved in the said petitions. Request was allowed by the Commission.

4. The Commission directed the petitioner to serve the copy of the petition on the respondent immediately, if not served already. The Commission directed the Respondent to file its reply, by 31.8.2017, with an advance copy to the petitioner, who may file its rejoinder, if any, by 7.9.2017. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing on 14.9.2017 along with Petition Nos. 170/MP/2016 and 171/MP/2016.

**By order of the Commission**  
**Sd/-**  
**(T. Rout)**  
**Chief (Legal)**