

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 189/MP/2016

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 10 of the PPAs dated 29.6.2012 and 23.8.2013 for seeking recovery of Additional Expenditure incurred due to the occurrence of various Change in Law events.

Date of hearing : 8.8.2017

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

Petitioner : Jindal Power Limited.

Respondent : Tamil Nadu Generation and Distribution Corporation Limited.

Parties present : Shri S. Venkatesh, Advocate, JPL
Shri Pratyush Singh, Advocate, JPL
Shri Anshuman Sharma, Advocate,
Shri Shresth Sharma, Advocate, JPL
Shri Siddharth Barik, JPL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri G. Umapathy, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for TANGEDCO submitted that the petitioner is supplying power to TANGEDCO in the State of Tamil Nadu and to Kerala State Electricity Board (KSEBL) in the State of Kerala. Learned counsel further submitted that since the petitioner is supplying power to more than one State from the same generating station and has acquired the status of 'Composite Scheme' to attract the jurisdiction of the Commission under Section 79 (1)(b) and (f) of the Electricity Act, 2003, therefore, in the interest of justice, KSEBL should be impleaded as a party to the petition.

2. Learned counsel for the petitioner objected to the impleadment of KSEBL as a party to the petition and submitted that the disputes involved in the present petition are with regard to change in law events claimed under the TANGEDCO PPA whereas the same events are allowed as a pass through under the PPA with KSEBL, therefore, KSEBL should not be impleaded as a party to the petition.

3. After hearing the learned counsels for the petitioner and the respondent, the Commission directed the petitioner to file an affidavit, by 15.8.2017 that the change in law events covered under the present petition qua TANGEDCO are not applicable in case of KSEBL. The Commission further directed to submit a copy of the PPA entered into with KSEBL.

4. The Commission directed to list the petition for hearing on 22.8.2017.

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