

**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 : 22.8.2017

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 Shresth Sharma, Advocate, JPL
Shri Siddharth Barik, JPL
Shri Ravi Shankar, JPL
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri G. Umapathy, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for the petitioner submitted that in compliance of the Commission's directions dated 8.8.2017, the petitioner has filed an affidavit on 17.8.2017. Learned counsel further submitted that the PPAs entered with TANGEDCO are based on Case I model PPA while the PSA entered with KSEBL is based on "DBFOO" model PSA. The various Change in Law events claimed by the petitioner in the present petition are all coal impositions which are covered under the Article 10 (Change in Law) of TANGEDCO PPAs whereas in terms of the PSA entered with KSEBL, the increase/decrease in taxes and duties applicable on supply of power is a direct pass through to the procurer of the power under the PSA. Therefore, KSEBL has not been impleaded as a party to the petition.

2. After hearing the learned counsel for the petitioner, the Commission directed to list the petition for hearing on 28.8.2017.

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