

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 118/MP/2018

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Article 10 of the PPA dated 25.7.2013 (PTC-PPA) and procurers PPA for claiming compensation on account of events pertaining to Change in Law.

Date of Hearing : 29.5.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : TRN Energy Private Limited

Respondents : Paschimanchal Vidyut Vitran Nigam Limited and Others

Parties present : Shri Suraj Prakash, Advocate, TRN Energy
Shri Mrinal Litoria, Advocate, TRN Energy
Shri Gaurav Lavania, Advocate, TRN Energy
Shri Manoj Rastogi, UPPCL & PTC India

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking compensation on account of Change in Law events which have resulted in additional expenditure during the operating period.

2. On a specific query of the Commission as to whether the 5% of power has been given on variable cost, learned counsel submitted that the Petitioner is supplying 390 MW power to UP Discoms in the State of Uttar Pradesh besides supplying 5% of power to the State of Chhattisgarh.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

4. The Commission directed the Petitioner to serve copy of the petition on the respondents immediately, if not served already. The respondents were directed to file their replies, by 26.6.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, 16.7.2018.

5. The Commission directed the Petitioner to submit an affidavit to the effect that the Petitioner satisfies the conditions of the composite scheme in terms of Section 79(1)(b) of the Electricity Act, 2003.

6. The Commission further directed the Petitioner to submit the following information on an affidavit, on or before 26.6.2018:

(a) Copy of the PPA entered into with Chhattisgarh State Power Trading Co. Ltd. (CSPTCL)/ Chhattisgarh State Power Distribution Co. Ltd (CSPDCL);

(b) Whether any Change in Law events reducing the cost have occurred during construction and operation period;

(c) Date of Commissioning of both the Units;

(d) Date of start of power supply to UP Discoms and CSPDCL;

(e) Documentary evidence for increase in impact of Niryat Kar, VAT and Structural impact of GST;

(f) Copy of Gazette Notifications/ Statutory documents with respect to increase in Service Tax, Swachh Bharat Cess, Krishi Kalyan Cess, Clean Energy Cess, Entry Tax and Evacuation Facility Charges;

(g) Services for which increase in Service Tax has been claimed by the Petitioner and its total impact;

(h) Letter from competent authority of Central Excise Department regarding inclusion/ addition of components in the assessable value of coal for the calculation of Excise Duty.

7. The Commission directed that due date of filing the replies, rejoinders and information should be strictly complied with. No extension shall be granted on that account.

8. The petition shall be listed for hearing on 26.7.2018.

By order of the Commission

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