

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of hearing 17.9. 2018

Petition No. 208/MP/2018

Petitioner : D. B. Power Limited

Respondents : Tamil Nadu Generation and Distribution Corporation Limited and
Others

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 19.8.2013 entered into between the Petitioner and the Respondent, seeking approval of the cost to be incurred by the Petitioner on account of change in law, for installation/retrofit of 'Electrostatic Precipitators' (ESP), installation of Flue Gas Desulphurisation (FGD), installation of low Nox burners, providing Over Fire Air (OFA) and any other measures for compliance of the notification dated 7.12.2015 issued by the Ministry of Environment and Forests and Climate Change, Government of India in respect of Thermal Power Plants installed/commissioned after 1.1.2003; and for other claims on account of Change in Law under the Power Purchase Agreement.

Petition No. 213MP/2018

Petitioner : D. B. Power Limited

Respondents : PTC India Limited and Others

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 1.11.2013 entered into between the Petitioner and the Respondent, seeking approval of the cost to be incurred by the Petitioner on account of change in law, for installation/retrofit of 'Electrostatic Precipitators' (ESP), installation of Flue Gas Desulphurisation (FGD), installation of low Nox burners, providing Over Fire Air (OFA) and any other measures for compliance of the notification dated 7.12.2015 issued by the Ministry of Environment and Forests and Climate Change, Government of India in respect of Thermal Power Plants installed/commissioned after 1.1.2003; and for other claims on account of Change in Law under the Power Purchase Agreement.



Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Parties Present : Shri Abhishek Bansal, Advocate, DBPL
Shri Deepak Khurana, Advocate, DBPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petitions have been filed under Section 79 (1) (b) and (f) of the Electricity Act, 2003, read with Article 10 of the PPA for seeking relief due to the following change in law events :

- a) Additional capital expenditure on account of change in environmental norms by the Ministry of Environment, Forest and Climate Change;
 - b) Addition of components in assessing the Central Excise Duty;
 - c) Imposition of additional obligation on coal/lignite based thermal power plants by Ministry of Environment and Forest requiring to incur partial/total cost of transportation of fly ash generated at the plants to various industries utilizing the same with effect from 25.1.2016; and
 - d) Levy of Evacuation Facility Charge by Coal India Limited.
2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notices to the respondents.
3. The Commission directed the respondents to file their replies by 26.9.2018, with an advance copy to the Petitioner, who may file its rejoinders, if any, by 12.10.2018. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.
4. The Petitions shall be listed for hearing in due course for which separate notices will be issued.

By order of the Commission

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