

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 235/MP/2015**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 2.2.2007 and 6.2.2007 executed by Adani Power Ltd. with Gujarat Urja Vikas Nigam Ltd. and the Power Purchase Agreement dated 7.8.2008 executed by Adani Power Ltd. with Uttar Haryana Bijli Vitran Nigam Limited/ Dakshin Haryana Bijli Vitran Nigam Limited during the operating period.

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 : Adani Power Limited (APL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Others

Parties present : Shri Amit Kapur, Advocate, APL  
Ms. Abiha Zaidi, Advocate, APL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the Commission vide order dated 4.5.2017 did not consider the SEZ notification issued by the Ministry of Commerce and Industry as Change in Law events. The Commission further disallowed the carrying cost on the ground that there is no provision in the PPA. Aggrieved by the Commission's decision, the Petitioner filed an Appeal No. 210 of 2017 alongwith I.A. No.5/2018 before the Hon'ble Appellate Tribunal for Electricity. The Hon'ble APTEL vide its judgement dated 13.4.2018 set aside the Commission's order dated 4.5.2017 and remanded back the matter to the Commission to pass consequential order on the above claims of the Petitioner.

2. After hearing the learned counsel for the Petitioner, the Commission directed the Petitioner to file its written submission, by 8.6.2018 with an advance copy to the respondents, who may file their response, by 22.6.2018. The Commission directed that due date of filing the written submissions should be strictly complied with failing which the order shall be passed on the basis of the documents available on record.

3. Subject to the above, the Commission reserved order in the Petition.

**By order of the Commission**

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