

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.77/MP/2016**

Subject : Petition under Article 13 of the Power Purchase Agreement dated 22.4.2007 read with clause 4.7 of the competitive Bidding Guidelines and Section 79 of the Electricity Act, 2003

Petitioner : Coastal Gujarat Power Limited

Respondent : GUVNL & others

**Petition No. 133/MP/2016**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2(b) of the Power Purchase Agreement dated 07.08.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating Period

Petitioner : Sasan Power Ltd.

Respondents : MPPMCL & Others

**Petition No. 98/MP/2017**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Regulation 14 (3) (ii) and Regulation 8 (3) (ii) of the CERC (Terms and Condition of Tariff) Regulations 2014 for approval of Expenditure on installation of various Emission control systems as detailed in this Petition for compliance of Ministry of Environment and Forests and Climate Change, Government of India notification dated 07.12.2015 mandating compliance with revised environmental norms for thermal power stations.

Petitioner : NTPC Limited

Respondent : UPPCL & others

Date of hearing : **26.2.2018**

Coram : Shri P.K. Pujari, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member  
Shri Ravindra Kumar Verma, Member (E.O)



**Parties present:**

Shri Amit Kapur, Advocate, CGPL  
Shri Tushar Nagar, Advocate, CGPL  
Shri Vishrov Mukhrjee, Advocate, SPL  
Shri Yashaswi Kant, Advocate, SPL  
Shri Venkatesh Pratyush Singh, Advocate, NTPC  
Shri Somesh Srivastava, Advocate, NTPC  
Shri Anand K. Ganesan, Advocate, GUVNL, PSPCL  
Ms. Ranjitha Ramachandran, GUVNL, Haryana & Rajasthan Discoms  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Shri Rajkumar Mehta, Advocate, GRIDCO  
Ms. Himanshi Andley, Advocate, GRIDCO  
Shri R.B.Sharma, Advocate, BSP(H)CL  
Shri Raunak Jain, Advocate, TPDDL  
Shri Vishvendra Tomar, Advocate, TPDDL  
Shri Rajiv Kumar, NTPC  
Shri Shyam Kumar, NTPC  
Shri Rahul Kinra, BRPL  
Shri Ashutosh Kumar Srivastava, BRPL

**Record of Proceedings**

These petitions were taken up for hearing today.

2. During the hearing, the learned counsel for CGPL submitted that it has sought a declaration that the notification of MoEFCC, GOI dated 7.12.2015, issued after the cut-off date is a change in law and accordingly it is required to comply with the provisions of said notification within a period 2 years. The Commission may give appropriate directions to facilitate implementation of the environmental norms by the Petitioner in terms of the MoEFCC notification.
3. The learned counsel for NTPC submitted that since some of the plants of the Petitioner are on the verge of completion of useful life, the Commission may take into consideration the modality for recovery of tariff on account of additional capital expenditure due to implementation of environmental norms in terms of the above said notification.
4. The learned counsel for SPL pointed out that it has filed Interlocutory Application seeking directions of the Commission to refer the matter to CEA. Learned counsel submitted that since the matter is being considered by the Commission with coram comprising of the Chairman, CEA as ex-officio Member, the IA is not being pressed by SPL.
5. The learned counsel for the Petitioners above however submitted that the Commission may as an interim measure, consider to grant in-principle approval for incurring expenditure under change in law to comply with the environmental norms in terms of the said notification.



6. The learned counsels appearing for the Respondent discoms namely, GUVNL, GRIDCO, BRPL, BYPL, TPDDL, PSPCL, Haryana discoms, Rajasthan discoms, TANGEDCO and BSP (H)CL submitted that opportunity of hearing may be granted to the Respondents before considering the prayer of the Petitioners for grant of in-principle approval. They also prayed for grant of time to file their replies to the respective petitions.

7. The Commission after hearing the parties directed the Respondents to file their replies on or before 12.3.2018 with advance copy to the Petitioner, who shall file its rejoinder by 19.3.2018.

8. The Commission also observed that CEA shall make guidelines in consultation with the stakeholders to lay down the technical and operational norms including phased implementation with respect to the environmental norms in terms of the MoEFCC, GOI Notification dated 7.12.2015.

9. These Petitions shall be listed for hearing on **23.3.2018**.

By order of the Commission

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

