

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of hearing: 23.3.2018

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)**

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

Respondents: 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

Respondents: UPPCL & others



Parties present:

Shri Abhishek, Advocate, CGPL
Shri Kunal Kaul, Advocate, CGPL
Shri Vishrov Mukhrjee, Advocate, SPL
Shri Yashaswi Kant, Advocate, SPL
Ms. Swapna Seshadri, Advocate, CGPL, SPL & NTPC
Shri Ashwin Ramanathan, Advocate, CGPL, SPL & NTPC
Shri S.Venkatesh, Advocate, NTPC & MPL
Shri Pratyush Singh, Advocate, NTPC & MPL
Shri Somesh Srivastava, Advocate, NTPC & MPL
Shri Sandeep, Advocate, NTPC & MPL
Shri M.G.Ramachandran, Advocate, GUVNL, Haryana & Rajasthan Discoms
Shri Rajkumar Mehta, Advocate, GRIDCO
Shri R.B.Sharma, Advocate, BSP(H)CL
Shri G.Umapathy, Advocate, MPPMCL
Shri Dushyant Manocha, Advocate, BRPL
Shri Rajiv Srivastava, Advocate, UPPCL & UP Discoms
Ms. Garima Srivastava, Advocate, UPPCL & UP Discoms
Ms. Gargi Srivastava, Advocate, UPPCL & UP Discoms
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Raunak Jain, Advocate, TPDDL
Shri Vishvendra Tomar, Advocate, TPDDL
Shri Ajay Dua, NTPC
Shri Chinmoy Kumar Dash, GRIDCO
Shri Manish Garg, UPPCL
Shri Anurag Naik, MPPMCL
Shri Shyam Kumar, NTPC
Shri Sameer Singh, BYPL
Shri Abhay Kumar, CGPL
Shri Kanishk, BRPL

Record of Proceedings

These Petitions were taken up for hearing today.

2. At the outset, the learned counsel for the Petitioner, CGPL prayed for time to file its rejoinder to the replies of the Respondents, MSEDCL & PSPCL. The learned counsel for the Respondents, GUVNL, Haryana & Rajasthan Discoms submitted that the Petitioner, CGPL may be directed to place on record all the relevant consents and clearances as on the cut-off date.

3. The learned counsel for SPL submitted that pleadings in the Petition are complete and the Petition may be taken up for hearing. Similar submission was made by the learned counsel for NTPC. However, the representative of UPPCL submitted that the Petitioner, NTPC may be directed to furnish copy of the Environmental clearance in respect of Singaruli Project. The learned counsel



appearing for the UP discoms submitted that it may be granted time to file response in the matter.

4. The Commission observed that the question as to whether the MOEFCC Notification amounts to 'change in law' is required to be first decided in these Petitions and thereafter call shall be taken regarding the operational/technical norms. The learned counsels for the Petitioner and the Respondents agreed to the same and requested for fixing a date for hearing on the issue.

5. The Commission after considering the submissions of the learned counsel of the parties, adjourned the hearing of these Petitions. The Commission, however, directed the Petitioners, NTPC and CGPL to furnish the documents as sought for by their respondents/Procurers. The Commission also directed the parties to complete the pleadings in these Petitions, with copy to the other, on or before **16.4.2018**. No extension of time shall be granted for any reason whatsoever. The Commission further directed that no request for adjournment of the hearing of the Petitions shall be entertained.

6. These Petitions shall be listed for hearing on **23.4.2018**.

By order of the Commission

Sd/-
T.Rout
Chief (Legal)

