

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 118/MP/2018

Subject : Petition under Section 79(1)(b) and 79 (1) (f) of the Electricity Act, 2003 for claiming compensation on account of events pertaining to change in law as per the terms of Power Purchase Agreement dated 25.7.2013 (PTC-PPA) executed between the Petitioner and the Respondent No. 6 and as per the terms of the back to back Power Purchase Agreement executed by PTC with Paschimanchal Vidyut Vitran Nigam Ltd, Purvanchal Vidyut Vitran Nigam Ltd, Madhyanchal Vidyut Vitran Nigam Ltd, Dakshinanchal Vidyut Vitran Nigam Ltd) dated 25.7.2013.

Date of Hearing : 14.2.2019

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

Petitioner : TRN Energy Private Limited

Respondents : Paschimanchal Vidyut Vitran Nigam Limited & Ors.

Parties present : Shri Ratan K.Singh, Advocate, TRN Energy
Shri Suraj Prakash, Advocate, TRN Energy
Shri Rajiv Srivastava, Advocate for Respondents No. 1 to 5
Ms. Garima Srivastava, Advocate for Respondents No. 1 to 5
Shri Ayush Singh, UPPCL
Shri Ashish Anand Bernard, Advocate, PTC India
Shri Paramhans Sahani, Advocate, PTC India

Record of Proceeding

At the outset, learned counsel for the Petitioner submitted that Petitioner has withdrawn the Petitions filed before UPERC. Learned counsel for the Petitioner made detailed submission on the certain issues, namely, increase in coal cost due to reduction in supply of coal by CIL and its subsidiaries, increase in coal transportation cost owing to change in distance of fuel source (change of allocation of mine for supply of coal, introduction of evacuation facility charge and increase in electricity duty on auxiliary consumption.

2. Learned counsel for the UPPCL submitted that the present petition is not maintainable as there is no contractual relationship between the Petitioner and the Respondents 1 to 5 (discoms in State of UP). Learned counsel further submitted that

the Petitioner has entered into the PPA with PTC. Therefore, PTC is obliged to perform its part as provided in the PPA and there is no corresponding obligation in terms of the said PPA upon the discoms towards the Petitioner. The Petitioner must restrict itself to the PPA. Learned counsel submitted that coal transportation cost owing to change of allocation of mines for supply of coal, increase of works contract service tax rate and coal sizing charges and surface transportation charges are not covered under change in law events.

3. After hearing the learned counsels for the parties, the Commission directed the Petitioner and the Respondents to file their written submissions on or before 26.2.2019 with copy to each other.

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

By order of the Commission

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