

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 15/MP/2019**

Subject : Petition under Section 79(1) (b) and 79 (1) (f) of the Electricity Act, 2003 for declaration that any variation in the cost of fuel 'invoiced' to the Petitioner, owing to any increase in rate of taxes, levies, cess or duties which includes but is not limited to royalty, central excise duty, S.E.D. CST, energy cess, sizing charges, surface transportation, and also enactment of new taxes/royalties on the coal cost which includes but is not limited to NMET, DMF, forest transit fee and PWD cess, imposed by the Central Government, State Government/Union Territory, or any other Government, being a component of invoiced rate of coal, is a pass-through cost as per the terms of the PPA dated 7.8.2008.

Petitioner : Jhajjar Power Limited (JPL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Others

Date of Hearing : 27.2.2019

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

Parties present : Shri Sanjay Sen, Senior Advocate, JPL  
Shri Parinay Deep Shah, Advocate, JPL  
Shri Surabhi Pandey, Advocate, JPL

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petition has been filed for seeking declaration that any variation in the cost of fuel 'invoiced' to the Petitioner, owing to any increase in rate of taxes, levies, cess or duties which includes but is not limited to royalty, central excise duty, S.E.D. CST, energy cess, sizing charges, surface transportation, and also enactment of new taxes/royalties on the coal cost which includes but is not limited to NMET, DMF, forest transit fee and PWD cess, imposed by the Central Government, State Government/Union Territory, or any other Government, being a component of invoiced rate of coal, is a pass-through cost in terms of the PPA dated 7.8.2008. Learned senior counsel requested to issue notice to the Respondents.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately. The Respondents were directed to file their replies by 18.3.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 1.4.2019. 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 Petition shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

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