

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.169/MP/2016

Subject : Petition for adjudication of claim towards compensation arising out of change in Law and consequential reliefs as per provisions of the PPA dated 31.7.2012 executed between the Petitioner and Respondents.

Petitioner : KSK Mahanadi Power Company Limited

Respondents : Eastern Power Distribution Company of Andhra Pradesh Ltd. and Others

Date of Hearing : 16.5.2019

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

Parties present : Ms. Swapna Seshadri, Advocate, KSK Mahanadi
Shri Amal Nair, Advocate, KSK Mahanadi
Shri S. Vallinayagam, Advocate, AP Discoms
Ms. S. Amali, Advocate, AP Discoms
Shri Nishant, Advocate, Telangana Discoms
Shri Rakesh K. Sharma, Telangana Discoms

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the present Petition has been filed for seeking adjudication of disputes relating to compensation arising out of Change in Law and force majeure events and consequential reliefs as per the provisions of the PPA dated 31.7.2012 entered into between the parties. Learned counsel further submitted the list of Change in Law claims which are allowed or disallowed by the Commission in its various orders.

2. Learned counsel for AP Discoms submitted that PPA executed between the Petitioner and AP Discoms on 31.7.2012 was a three year PPA for Medium term Open Access i.e. till 2015. Subsequently, this PPA was extended for further 3 years and the Petitioner has given a specific undertaking that the Petitioner would not claim any Change in Law compensation.

3. Learned counsel for the Petitioner objected to the submissions made by the learned counsel for AP Discoms and submitted that AP Discoms cannot make any oral submissions without placing on record any document in this regard. Learned counsel further submitted that AP Discoms have not filed their replies to the Petition till date.

4. Learned counsel for Telangana Discoms adopted the submissions made by the learned counsel for AP Discoms.

5. After hearing the learned counsels for the Petitioner and the Respondents, the

Commission directed AP Discoms to file their replies alongwith the undertaking given by the Petitioner on or before, 30.5.2019 with an advance to the Petitioner who may file its written submissions by 13.6.2019. The Commission directed that due date of filing the reply and written submission should be strictly complied with. No extension shall be granted on that account.

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

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**