

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Date of Hearing: 27.9.2019**

**Petition No. 209/MP/2019**

Subject : Petition under Section 79(1)(b) read with 79(1)(f) of the Electricity Act, 2003 and Article 10.1 of the Power Purchase Agreement dated 1.4.2013, for approval and consequent relief sought by the Petitioner due to a 'Change in Law' event viz. the introduction of new environmental norms by way of the Environment (Protection) Amendment Rules, 2015 issued by the Ministry of Environment, Forest and Climate Change dated 7.12.2015, impacting the revenues and costs of the Petitioner during the operating period.

Petitioner : Sembcorp Energy India Limited

Respondents : Southern Power Distribution Company of Telangana Limited and Ors.

**Petition No. 210/MP/2019**

Subject : Petition under Section 79(1)(b) read with 79(1)(f) of the Electricity Act, 2003 and Article 34.1 of the Power Supply Agreement dated 18.2.2016, for approval and consequent relief sought by the Petitioner due to a 'Change in Law' event viz. the introduction of new environmental norms by way of the Environment (Protection) Amendment Rules, 2015 issued by the Ministry of Environment, Forest and Climate Change dated 7.12.2015, impacting the revenues and costs of the Petitioner during the operating period.

Petitioner : Sembcorp Energy India Limited

Respondents : Southern Power Distribution Company of Telangana Limited and others.

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

Parties present : Shri Hemant Sahai, Advocate, SEIL  
Shri Nitish Gupta, Advocate, SEIL  
Ms Parchita Chowdhary, Advocate, SEIL  
Shri Mainak Bhattacharya, SEIL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petitions have been filed seeking declaration that the amendment of the Environment (Protection) Amendment Rules, 2015 dated 7.12.2015 is a Change in Law event in accordance with the relevant provisions of the Power Purchase Agreement and Power Supply Agreement and to declare that additional capital cost and operational cost along with other expenses shall be considered on an actual basis for the Change in Law relief in terms of the provisions of the PPA dated 1.4.2013 and PSA dated 18.2.2016. Learned counsel



requested to issue notice to the Respondents.

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

3. The Commission directed the Petitioner to serve copy of the Petitions on the Respondents immediately, if not served already. The Respondents were directed to file their replies by 18.10.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 31.10.2019. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with.

4. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Deputy Chief (Law)**