

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 327/MP/2018
Alongwith IA No. 87/2018**

Subject : Petition under 79(1)(f) of the Electricity Act, 2003 for claiming compensation on account of occurrence of 'Change in Law' events as per Article 10.1.1 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 read with Addendum No. 1 dated 20.12.2013 entered into between Dhariwal Infrastructure Limited and Tamil Nadu Generation and Distribution Corporation Limited thereby resulting into additional recurring/non-recurring expenditure by Dhariwal Infrastructure Limited for supply of 100 MW Contracted Capacity from Unit 2 of its 2 x 300 MW Coal based thermal generating station located at Tadali, Chandrapur in the State of Maharashtra to Tamil Nadu Generation and Distribution Corporation Limited.

Petitioner : Dhariwal Infrastructure Limited (DIL)

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd.

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, DIL
Ms. Divya Chaturvedi, Advocate, DIL
Shri Saransh Shaw, Advocate, DIL
Shri Shubhayu Sanyal, Advocate, DIL

Record of Proceedings

Learned senior counsel for the Petitioner submitted that the present Petition has been filed for seeking compensation on account of 'Change in Law' events as per Article 10.1.1 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 read with Addendum No. 1 dated 20.12.2013 entered into between the Petitioner and Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO). Learned senior counsel further submitted that the Petitioner has filed an Interlocutory Application (IA) No. 87/2018 in pursuance of the MoP notification, seeking directions to TANGEDCO to clear the dues on account of Change in Law events and to make payment towards the applicable carrying cost from the date of commencement of supply i.e. 16.12.2015 till 30.6.2018 on the total amount. Learned senior counsel requested to issue notice to the Respondent on the Petition and on IA.

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

3. The Commission directed the Petitioner to serve copy of the Petition and IA on the Respondent immediately. The Respondent was directed to file its reply by 15.3.2019 with

an advance copy to the Petitioner who may file its rejoinder, if any, by 29.3.2019. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Petition alongwith IA 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)**