

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 327/MP/2018  
and IA No.87 of 2018**

Subject : Petition under Section 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 2x300 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. (TANGEDCO)

Date of Hearing : 10.1.2020

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

Parties present : Shri Sanjay Sen, Senior Advocate, DIL  
Ms. Divya Chaturvedi, Advocate, DIL  
Shri Saransh Shaw, Advocate, DIL  
Ms. Srithi Rai, Advocate, DIL  
Shri Subir Saha, DIL  
Shri Aveek Chatterjee, DIL  
Shri Ashwin Ramanathan, Advocate on behalf of  
Shri Rama Shankar Awasthi, Objector

**Record of Proceedings**

Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking compensation on account of various 'Change in Law' events in terms of Article 10.1.1 of the Power Purchase Agreement (PPA) dated 27.11.2013 read with Addendum dated 20.12.2013 executed between the Petitioner and the Respondent, TANGEDCO. Learned senior counsel submitted that most of the change in law claims are covered by the Commission's orders and judgments of the Appellate Tribunal for Electricity.

2. Learned counsel appearing on behalf of Shri R. S. Awasthi, the objector submitted that the approval of Uttar Pradesh Electricity Regulatory Commission (UPERC) in respect of 170 MW (net) PPA entered into by the Petitioner with Noida Power Company Limited (NPCL) was upon a condition that the entire coal available



under the Fuel Supply Agreement to the Petitioner should be first used for supply to NPCL. However, in the instant Petition, in respect of various Change in Law claims including the claim for shortage of coal, the Petitioner has apportioned its claims on the basis of the capacity tied up, which is contrary to the approval of UPERC.

3. Learned senior counsel submitted that the Petitioner has also filed an IA seeking direction to TANGEDCO to compensate the Petitioner on account of various Change in Law events which have already been allowed by the Commission/Appellate Tribunal along with carrying cost. The Commission declined to issue direction in this regard without hearing the Respondent.

4. After hearing the learned senior counsel for the Petitioner and the learned counsel appearing on behalf of Shri R. S. Awasthi, the Commission directed the learned counsel appearing on behalf of Shri R. S. Awasthi to file its submissions on merits of the case, by 27.1.2020 with an advance copy to the Petitioner, who may file its response, if any, by 31.1.2020. The Commission directed that due date of filing the submissions should be strictly complied with. No extension shall be granted on that account.

5. The Petition along with IA 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 (Legal)**

