

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 351/MP/2018 and IA No. 4/2020

- Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 19.12.2013 executed between the Petitioner and the Respondent No. 1 and in terms of the directions issued by the Central Government vide its notification dated 27.8.2018 for allowing pass through of additional expenditure incurred by the generator on account of events pertaining to 'Change in Law'.
- Petitioner : Coastal Energen Private Limited (CEPL)
- Respondents : Tamil Nadu Generation and Distribution Company Ltd. (TANGEDCO) and Anr.

Petition No. 380/MP/2018

- Subject : Petition under Section 79 (1) (b) and 79 (1) (f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement dated 12.12.2013 executed between the Petitioner and the Respondent for claiming compensation on account of events pertaining to 'Change in Law'.
- Petitioner : IL&FS Tamil Nadu Power Company Limited (IL&FS)
- Respondents : Tamil Nadu Generation and Distribution Company Ltd. (TANGEDCO) and Anr.
- Date of Hearing : 21.1.2020
- Coram : Shri P. K. Pujari, Chairperson
Shri I.S. Jha, Member
- Parties present : Shri Sanjay Sen, Sr. Advocate, CEPL and IL&FS
Shri Anirban Mondal, Advocate, CEPL and IL&FS
Ms. Soumya Singh, Advocate, CEPL and IL&FS
Shri Hemant Singh, Advocate, CEPL and IL&FS
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Grik Bhalla, Advocate, PTC India

Record of Proceedings

Learned senior counsel for the Petitioners and the learned counsel for the Respondent, TANGEDCO advanced extensive arguments in support of their contentions by relying upon the provisions of the Act, judgment of Hon'ble Supreme Court in Energy Watchdog and Ors. v. CERC and Ors. and various orders of the Commission and reiterated



the submissions made in their respective pleadings on the aspect of maintainability of the Petitions.

2. Learned senior counsel for the Petitioners further submitted that the Respondent, TANGEDCO has filed the reply only on the maintainability and it may be directed to file reply on merits also as the Commission is required to deal with all the objections including one relating to jurisdiction to entertain the matter while deciding the main matter. In support of his contentions, learned senior counsel relied upon the judgment of Hon'ble Supreme Court dated 18.10.2012 in Civil Appeal No. 7524 of 2012 in the case of PTC India Limited v. GERC and Ors.

3. Learned counsel for the Respondent PTC India Limited, submitted that the Respondent do not wish to file any reply in the matter.

4. After hearing the learned counsels for the parties, the Commission directed the Respondents to file their replies on merits, by 21.2.2020 with an advance copy to the Petitioners who may file their rejoinders, if any, by 6.3.2020. The Commission directed that the due date of filing of replies and rejoinder should be strictly complied with.

5. The Petitions shall be listed for hearing in due course for which a separate notice shall be issued to the parties.

By order of the Commission

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

