

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.269/MP/2018

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of direction dated 28.9.2017 in Petition No. 97/MP/2017.

Date of Hearing : **30.6.2023**

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Anr.

Parties Present : Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Sengupta, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Susham, Advocate, APMuL
Shri Kumar Gaurav, APMuL
Shri Ravi Nair, Advocate, Haryana Discoms
Shri Reeha Singh, Advocate, Haryana Discoms

Record of Proceedings

At the outset, learned counsel for the Respondents, Haryana Discoms prayed for an adjournment on the ground of non-availability of arguing senior counsel.

2. Learned counsel for the Petitioner submitted that the Petitioner has no objection towards the request for adjournment. Learned counsel further submitted in terms of the judgment of the Hon'ble Supreme Court dated 20.4.2023 in Civil Appeal No. 2908 of 2022, the matter has been remitted to this Commission for working out the effect of the Inter-Plant Transfer (held to be a Change in Law event) after giving notice to MSEDCL as well as the Rajasthan Discoms and hearing all the parties including the Petitioner and the Respondents herein. Accordingly, a notice may be issued to MSEDCL and Rajasthan Discoms and the parties may be directed to complete the pleadings in the meantime.

3. Considering the request of the learned counsel for the Respondents, the Commission adjourned the matter. The Commission, however, ordered as under:

(a) The Petitioner to implead MSEDCL and Rajasthan Discoms as party to the Petition and file revised memo of parties within a week.

(b) Issue notice to these impleaded Respondents and all Respondents to file their respective reply, limited to the scope of remit as per the Hon'ble Supreme Court Judgment, within three weeks with copy to the Petitioner, who may file its rejoinder, if any, within three weeks thereafter.



4. The Commission directed the Petitioner to file the following information on an affidavit within three weeks:

(a) Month-wise requisition of coal placed by the Petitioner to coal supplier corresponding to each PPA along with the ACQ for corresponding period.

(b) Month-wise requisition placed/ arrangement done for coal transportation by the Petitioner with the Railway corresponding the requisition placed as per (i) above.

(iii) Quantum of coal transferred to each plant against each FSA corresponding to the requisition placed as per (i) above.

(iv) Landed cost per GCV at each station and variation in cost per GCV due to Inter Unit Transfer of coal and corresponding transportation cost.

(v) Performance parameter guaranteed by OEM and actual parameters such as SHR & AEC, etc. detrimental to assess the impact of coal transfer.

(vi) Any other details deemed necessary for determining the impact of IPT as directed by Hon'ble Supreme Court.

5. The Petition shall be listed for hearing on 20.9.2023.

By order of the Commission

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