

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.338/MP/2022**

- Subject : Petition under Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 read with Article 14.3.1 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 read with Addendum No. 1 dated 20.12.2013, seeking refund of the amount wrongfully deducted by Tamil Nadu Generation and Distribution Corporation Limited along with the applicable Carrying Cost, towards the 'Change in Law' compensation payable to Dhariwal Infrastructure Limited for supplying 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.
- Date of Hearing : **10.11.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Dhariwal Infrastructure Limited (DIL)
- Respondents : Tamil Nadu Generation and Distribution Corp. Ltd.  
(TANGEDCO)
- Parties Present : Shri Sanjay Sen, Sr. Advocate, DIL  
Ms. Divya Chaturvedi, Advocate, DIL  
Ms. Neha M. Dabral, Advocate, DIL  
Ms. Mandakini Ghosh, Advocate, DIL  
Ms. Srishti Rai, Advocate, DIL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Shri Rahul Ranjan, Advocate, TAGNEDCO

**Record of Proceedings**

At the outset, the learned senior counsel for the Petitioner submitted that one of the objections/contentions of the Respondent, TANGEDCO with regard to the Change in Law claims had been - a portion of tax, duties and cess component as already inbuilt in the quoted tariff gets escalated by virtue of the escalation index and that any further compensation on account of Change in Law can be allowed only after adjusting the amount of such taxes, duties and cess which have already been paid to the generator. Learned senior counsel submitted that while the aforesaid objection/ contention of TANGEDCO has been rejected by this Commission as well as APTEL in its recent judgment dated 12.8.2021 in Appeal No. 22 of 2019 and batch, the Hon'ble Supreme Court has stayed the said judgment of the APTEL by an order dated 20.10.2023 in Civil Appeal No. 4058 of 2022 filed by TANGEDCO

against the judgment of APTEL in the said appeal. In addition, the learned senior counsel submitted that in the present case, the Petitioner has been required to enter into an agreement with TANGEDCO on the above lines for the release of its legitimate Change in Law claims as allowed by the Commission by its order dated 29.3.2020 in Petition No. 327/MP/2018. The learned counsel for the Petitioner further submitted that while the Petitioner has also challenged such agreement on account of it having been coerced to enter into it, the outcome of the Civil Appeal No. 4058 of 2022 before the Hon'ble Supreme Court will have some bearing on the present case and keeping in view that the said appeal is proposed to be listed for the hearing in the month of March 2024, the hearing in the present matter may be deferred for such time. Learned counsel for the Respondent, TANGEDCO also agreed to the aforesaid submissions of the learned senior counsel for the Petitioner.

2. Considering the submissions made by the learned senior counsel and learned counsel for the parties, the Commission adjourned the matter.
3. The Petition will be listed for hearing on **20.3.2024**.

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