

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 6/MP/2013

Sub: Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2 (b) of the power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating period.

Petition No. 14/MP/2013

Sub: Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Articles 12 and 17 of the Power Purchase Agreement dated 07.08.2007 executed between Sasan Power Limited and the procurers for compensation due to unprecedented, unforeseen and uncontrollable depreciation of the Indian Rupee.

Petition No. 21/MP/2013

Sub: Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and articles 13 and 17 of the Power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to change in Law during the Construction Period.

Petition No. 75/MP/2013

Sub: Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and articles 13 and 17 of the Power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to change in Law impacting revenues and costs during the operating Period

Date of Hearing : 27.8.2013

Coram : Shri V. S. Verma, Member
Shri M. Deena Dayalan, Member

Petitioner : Sasan Power Limited, Mumbai

Respondents: : MP Power Management Company Ltd. & Others

Parties present : Shri J.J.Bhatt, Senior Advocate, SPL
Shri Vishrov Mukherjee, Advocate SPL
Ms. Ritika Arora, Advocate, SPL
Shri P.Venkatarao, SPL
Shri Shrikant, SPL
Shri N. K. Deo, SPL
Shri Sandeep Somisetty, SPL
Shri Arun Dhillon, SPL
Shri Surendra Khot, SPL
Shri Mayank Gupta, SPL
Shri R.S.Johri, RPL
Shri G.Umapathy, Advocate, MPPMCL
Ms. Shobana, Advocate
Shri Navin Kumar Kohli, MPPMCL
Shri M.G.Ramchandran, Advocate, HPPC
Shri Apoorva Karal, HPPC
Shri Padamjit Singh, PSPCL
Shri T.P.S.Bawa, PSPCL
Shri R.Mekhala, Advocate, Respondents No. 1 & 3
Shri Haridas Maity, BYPL
Shri Sameer Singh, BYPL
Shri Murli Krishna, WRLDC

Record of Proceedings

Learned senior counsel for the petitioner, Sasan Power Limited submitted that information called for by the Commission on the last date of hearing has already been filed. Learned senior counsel submitted that some of the respondents have filed their replies to the petitions. However, some of the respondents have not filed their replies in any of the petitions. Learned senior counsel requested the Commission to set a timeline for completion of pleadings.

2. Learned senior counsel submitted that fresh commissioning test was carried out by the petitioner from 11.8.2013 to 14.8.2013 and the unit has completed successful testing for 72 hours. Therefore, the power is being scheduled from the unit to the beneficiaries.

3. Learned counsel for HPPC and the representative of the PSPCL submitted that Independent Engineer's certificate is not in accordance with the PPA. The representative of the PSPCL submitted that COD continues to be an issue and from the details down-loaded from WRLDC site, it is noted that during one time block on 12.8.2013 at around 17.45 hours, the injection of infirm power fell below 575 MW, which

is less than 95% of installed capacity. The representative of the PSPCL further submitted that COD has not been declared as per the PPA.

4. In response, learned senior counsel for the petitioner submitted that the test was done fully as per the provisions of PPA and there is no merit on the contentions of HPPC and PSPCL. Learned senior counsel requested the Commission to direct HPPC and PSPCL to file their objections, if any, on affidavit so that the petitioner could respond to the same.

5. The representative of the WRLDC submitted that the unit has been tested for 72 hours from 11.8.2013 to 14.8.2013 and based on the acceptance by the lead procurer scheduling has commenced from 16.8.2013. He further submitted that WRLDC vide its letter dated 22.8.2013 has informed the Commission about the same.

6. In response to Commission`s query whether the lead procurer has accepted the test, learned counsel for the MPPCL confirmed that the test has been accepted.

7. The Commission directed WRLDC to file on affidavit the complete details of performance test along with all relevant details duly explaining the dip in the generation below the 95% of the installed capacity during 72 hrs continuous operation and as to how it can be treated as continuous operation as per the relevant standards and provisions of PPA , with an advance copy to the petitioner, by 13.9.2013.

8. Learned senior counsel for the petitioner submitted that a meeting of all procurers shall be convened on 2.9.2013 on the technical issues raised by PSPCL and HPPC with regard to 11/14.8.2013 test and their acceptability. All procurers present in the hearing agreed the proposed discussion on the technical issues on 2.9.2013.

9. The Commission directed the respondents to file their replies on merit, with an advance copy to the petitioner, on or before 16.9.2013, if already not filed. The petitioner was directed to file its rejoinders, if any by 23.9.2013. No further adjournment or opportunity for completion of schedule will be granted.

10. The petitions shall be listed for hearing on 10.10.2013.

**By order of the Commission
Sd/-**

**(T. Rout)
Chief Legal**