

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. MP/156/2014  
With IA No. 35/2014**

- Subject : Petition under section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 7.8.2008 executed between Uttar Haryana Bijli Vitran Nigam Limited/ Dakshin Haryana Bijli Vitran Nigam Limited and Adani Power Limited.
- Date of hearing : 7.8.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri M. Deena Dayalan, Member  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member
- Petitioner : Adani Power Limited
- Respondents : Uttar Haryana Bijli Vitran Nigam Limited  
Dakshin Haryana Bijli Vitran Nigam Limited
- Parties present : Shri Amit Kapoor, Advocate, APL  
Shri Gaurav Dudeja, Advocate, APL  
Ms Poonam Verma, Advocate, APL  
Shri Jatinder Kumar, APL  
Shri Harish Priyani, APL  
Shri Manav Deliwala, APL  
Shri Avinash Menon, Advocate, UHBVNL  
Ms Anushree Bardhan, Advocate, UHBVNL

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to the respondents to pay compensation in terms of Article 13 of the PPAs dated 7.8.2008 for 'Change in Law' events which have adverse financial impact on the cost/revenue of the petitioner at which the petitioner sells electricity to the Procurer under the PPAs. Learned counsel for the petitioner further submitted as under:

- (a) The petitioner as a generating company, has the composite scheme for generation and sale of electricity in more than one State. Therefore, regulation of tariff as a generating company is within the jurisdiction of this Commission.

(b) The Commission vide its order dated 21.2.2014 observed that allowing the impact of 'Change in Law' events will enlarge the scope of Petition No. 155/2012 and directed Haryana Utilities to consider the 'Change in Law' claim of the petitioner within two months. Accordingly, the petitioner raised the invoices for the months of March, April and May 2014 as well as for the period from 7.8.2012 to 28.2.2014 towards the compensation for 'Change in Law' events. However, the same was denied by the respondents vide letter dated 8.7.2014.

(c) Learned counsel for the petitioner requested the Commission to grant interim relief by directing the respondents to make the interim payments towards compensation for 'Change in Law' events that will be made by the respondents which will be subject to adjustment based on final outcome of the petition.

2. Learned counsel for the respondents objected on grant of the interim relief and requested for three weeks time to file reply to the petition.

3 After hearing the learned counsels for the petitioner and respondents, the Commission directed to admit the petition and issue notice to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 29.8.2014 with an advance copy to the petitioner who may file its rejoinder, if any, by 12.9.2014. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with.

5. The petition shall be listed for hearing on 25.9.2014.

By order of the Commission

Sd/-  
(T. Rout)  
Chief (Law)