

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 81/MP/2013

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Articles 12, 13 and 17 of the Power Purchase Agreement dated 7.8.2007 executed between the Distribution Companies in the State of Haryana and PTC India Limited and the back to back PPA dated 12.3.2009 entered into between GMR Energy Limited and PTC Indian Limited for compensation due to force majeure events and change in law impacting revenues and costs during the operating period.
- Date of hearing : 8.1.2015
- Coram : Shri Gireesh B.Pradhan, Chairpeson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
- Petitioner : GMR-Kamlanga Energy Limited, Bangalore
- Respondents : Dakshin Haryana Bijili Vitran Nigam Limited and others
- Parties present : Shri Amit Kapoor, Advocate, GMR
Shri Vishrav Mukerjee, Advocate, GMR
Shri Rohit Venkat, Advocate, GMR
Shri Rohan Yadhav, GMR
Shri Abani P Mishra, GMR
Shri G. Umopathy, Advocate, HPGCL
Shri R. Mekhala, Advocate, HPGCL
Shri Ravi Vishnu, PTC

Record of Proceedings

Learned counsel for the petitioner submitted a note of argument.

2. The representative of KPMG gave power point presentations and submitted that hard copies of the presentations have already been submitted before the Commission for perusal.

3. Learned counsel for the petitioner argued at length on the claims under 'Change in Law' made in the petition and referred to various provisions of the PPA.

4. Learned counsel for HPGCL requested for short adjournment to file its response on the affidavit filed by the petitioner on 26.12.2014. He further submitted that there are other three respondents. However, none is present on behalf of them.

5. After hearing the learned counsels for the parties, the Commission directed the petitioner to file the following information on affidavit, by 27.1.2015:

- (a) Documentary evidence in support of the rate of interest for each loan; and
- (b) Editable softcopy of IDC calculation filed before the Commission on 19.11.2014.
- (c) Detailed computation of increase in capital cost of ₹ 558 crore head-wise not claimed out of total increase of ₹1979 crore along with the reasons for not claiming the same.
- (d) Details of capital cost as approved by the lenders in the Financing Agreements along with relevant extracts of Financing Agreements.
- (e) Increase/decrease in capital cost due to any change in the scope of work along with details of change of scope.
- (f) Details of capital cost as on respective CODs of units/station duly audited and certified by statutory auditor.
- (g) Increase in capital cost due to time over-run giving details of increase in IDC, incidental expenditure during construction (IEDC) and increase due to escalation in prices other than Change in Law.
- (h) Detailed computation of increase in capital cost under different heads claimed i.e how the values have been arrived at.
- (i) Copy of Fuel Supply Agreement (FSA).

6. The Commission directed that due date of filing the information should be strictly complied with. The information filed after due date shall not be considered.

7. The Commission directed to issue notice to the other respondents to be present through their representatives or counsels during the next date of hearing.

8. With the consent of the learned counsels for the petitioner and HPGCL, the Commission directed to list the matter on 5.2.2015.

By order of the Commission

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