

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.141/MP/2016

Subject : Petition under Section 79 of Electricity Act, 2003 read with Articles 13 & 17 of the PPA dated 22.4.2007 seeking increase in tariff as a result of increase in Capital Cost of the Mundra UMPP due to Change in Law events during the Construction period.

Petitioner : Coastal Gujarat Power Ltd.

Respondents :Gujarat Urja Vikas Nigam Ltd. and Others

Date of hearing : 6.10.2016

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Parties present : Shri Amit Kapur, Advocate, CGPL
Shri Malcolm Desai, Advocate, CGPL
Shri M.G. Ramachandran, Advocate, Rajasthan Discoms
Ms. Poorva Saigal, Advocate, Rajasthan Discoms

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for adjudication of the dispute between the petitioner and the respondents with regard to increase in capital cost of the Mundra Ultra Mega Power Project due to the following Change in Law events during the construction period:

- (i) Declared price of land,
- (ii) Revenue from sale of infirm power,
- (iii) Levy of Clean Energy Cess in imported coal,
- (iv) Change in customs duty on imported coal,
- (v) Change in Excise Duty,
- (vi) Reduction in Central Sales Tax Rate,
- (vii) Increase in the Gujarat Value Added Tax Rate,
- (viii) Increase in rate of Service Tax,
- (ix) Levy of Green Cess,
- (x) Additional conditions imposed by MOEF,
- (xi) Additional Stamp Duty paid on its indenture of Mortgage with the Security Trustee.

2. Learned counsel requested the Commission to issue notice to the respondents.

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

4. The Commission directed the petitioner to serve copy of the petition on the respondents by 21.10.2016. The respondents were directed to file their replies, on affidavit, by 18.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 2.12.2016. The Commission directed the petitioner and the respondents that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 20.12.2016.

By order of the Commission

Sd/-

(T. Rout)
Chief (Law)