

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.169/MP/2016

Subject : Petition for adjudication of claim towards compensation arising out of change in Law and consequential reliefs as per provisions of the PPA dated 31.7.2012 executed between the petitioner and respondents nos. 1,2,3 & 4.

Petitioner : KSK Mahanadi Power Company Limited

Respondents :Eastern Power Distribution Company of Andhra Pradesh Ltd.and Others

Petition No. 170/MP/2016

Subject : Petition for adjudication of claim towards compensation arising out of change in Law and consequential reliefs as per provisions of the PPA dated 27.11.2013 executed between the parties.

Petitioner : KSK Mahanadi Power Company Limited

Respondent :Tamil Nadu Generation and Distribution Corporation Ltd.

Petition No. 171/MP/2016

Subject : Petition for adjudication of claim towards compensation arising out of change in Law and consequential reliefs as per provisions of the PPA dated 26.2.2014 executed between the petitioner and respondents nos. 1,2,3 &4.

Petitioner : KSK Mahanadi Power Company Limited (KSK)

Respondents :Madhyanchal Vidyut Vitran Nigam Ltd. and Others

Date of hearing : 15.11.2016

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

Parties present : Ms. Swapna Seshadri, Advocate, KSK
Shri S.Vallinayagam, Advocate, TANGEDCO & AP Discoms.
Shri Rakesh K. Sharma, Advocate, TSSPDCL
Shri Rajiv Srivastava, Advocate, UPPCL

Record of Proceedings

Learned counsel for KSK Mahanadi submitted that the present petitions have been filed for seeking adjudication of disputes relating to compensation arising out of

change in Law and force majeure events and consequential reliefs as per the provisions of the PPA dated 31.7.2012, 27.11.2013 and 26.2.2014 respectively, entered into between the parties.

2. Learned counsel for the petitioner further submitted that electricity generated from the generating station is being supplied to more than one State, it satisfies the condition of a composite scheme in terms of the Full Bench judgment of the Hon'ble Appellate Tribunal for Electricity dated 7.4.2016 in Appeal No. 100 of 2013 and others. Learned counsel for the petitioner submitted that notices were sent to the respondents for change in law and force majeure events. However, no response has been received from the respondents in this regard.

3. Learned counsels for the respondents submitted that in similar case, Andhra Pradesh Discoms and Telangana Discoms have filed Writ Petitions before the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh challenging the jurisdiction of the Commission and requested to adjourn the matter till disposal of the matter by High Court.

4. The Commission observed that consequent to the bifurcation of the State of Andhra Pradesh into Andhra Pradesh and Telangana, certain orders have been issued by this Commission as well as the State Commissions of Andhra Pradesh and Telangana regarding the jurisdiction over the generating stations which are supplying power to both Andhra Pradesh and Telangana. These orders are under challenge before the Hon'ble High Court of Andhra Pradesh and keeping in view the judicial propriety, the Commission considered it appropriate to take up these petitions after the disposal of the writ petitions filed before the High Court of Andhra Pradesh.

5. Learned counsel for the petitioner submitted that three other petitions filed by the petitioner are listed for hearing on 22.11.2016 and requested the Commission to adjourn all the six petitions to a future date.

6. The Commission directed to adjourn the matter *sine die* till the issue of jurisdiction is decided by the High Court of Andhra Pradesh in the writ petitions pending before it. The Commission further granted liberty to the petitioner and the respondents to mention the petitions for hearing as and when the issue of jurisdiction is decided by the Hon'ble High Court of Andhra Pradesh.

By order of the Commission

Sd/-

**(T. Rout)
Chief (Law)**