

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 16/MP/2016

Subject : 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.

Date of hearing : 4.5.2016

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

Petitioner : Sasan Power Limited

Respondents : M.P.Power Management Company Limited and others

Parties present : Shri Sanjay Sen, Senior Advocate, SPL
Shri Vishrov Mukherjee, Advocate, SPL
Shri Janmali. M, Advocate, SPL
Shri Mayank Gupta, SPL
Shri G. Umapathy, Advocate, MPPMCL
Ms. Ranjitha Ramachandran, Advocate, HPPCL
Ms. Poorva Saigal, Advocate, HPPCL
Shri Anand K. Ganesan, Advocate, Rajasthan Discom
Shri Sandeep Rajpurohit, Advocate, Rajasthan Discom
Shri Alok Shankar, Advocate, TPDDL

Record of Proceedings

Learned counsels for UPPCL and PSPCL requested for time to file replies to the petition. Learned senior counsel for the petitioner objected to the request and submitted that during the last hearing on 12.4.2016, the respondents were provided opportunity to file their replies.

2. Learned senior counsel for the petitioner further submitted that petitioner has filed an affidavit on 21.4.2016 clarifying that the payments towards District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET) are separate and over and above the expenditure being incurred by the petitioner towards Rehabilitation and Re-settlement expenses. He further submitted that demand notice has been served

upon the petitioner and requested the Commission to permit the petitioner to provisionally recover 90% of amount paid towards DMF and NMET. Learned senior counsel for the petitioner submitted that similar statutory levies for the same project has been allowed by the Commission vide orders dated 30.3.2015 and 19.2.2016 in Petition Nos. 6/MP/2013 and 153/MP/2015 respectively.

3. The Commission directed UPPCL and PSPCL to file their replies, by 19.5.2016 as a last chance with an advance copy to the petitioner who may file its rejoinder, if any, by 1.6.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The Commission directed to list the petition on 8.6.2016.

By order of the Commission

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