

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 24/MP/2014**

- Subject : Petition under Section 79 of the Electricity Act, 2003 to evolve a mechanism/adjust tariff on account of subsequent events rendering petitioners power plant commercially unviable due to unprecedented, unforeseeable and uncontrollable events including enactment of new coal pricing regulation by Indonesian Government and depreciation of Indian Rupee vis-a-vis US Dollar and levy MAT as per amendment of section 115 JB of Income Tax Act, 1961.
- Date of hearing : 21.1.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member
- Petitioner : Adani Power Limited
- Respondent : Gujarat Urja Vikas Nigam Limited
- Parties present : Shri Gaurav Dudeja, Advocate for the petitioner  
Shri Anand K. Ganesan, Advocate, GUVNL

**Record of Proceedings**

The Commission observed that since the judgment in the Appeal No. 98 of 2014 and Batch matters with regard to jurisdiction of the Commission in the matter has been reserved by Appellate Tribunal for Electricity, the captioned matter shall be listed for hearing after judgment is passed by Appellate Tribunal.

2. The Commission directed the petitioner to furnish the following information latest by 19.2.2016 with an advance copy to the respondent and Prayas:

- (i) Details of bid assumption;
- (ii) FOB price of coal and Gross Calorific Value (GCV) of coal considered for the bid along with supporting documents;
- (iii) Guaranteed design heat-rate of units by OEM along with heat balance diagram of the OEM;

(iv) Actual prices of imported coal received since promulgation of Indonesian Regulations consignment wise along with GCV of received coal duly certified by the auditor along with the invoices of the coal company.

(v) Separate breakup of ocean freight, port handling charges and exchange rate duly certified by the auditor;

(vi) Copy of FSA dated 26.7.2010 entered into between the petitioner and AEL;

(vii) Details computation of claim made during operation period for loss in energy charges after duly certified by auditors of ₹ 252 crore from 1.10.2011 to 31.3.2012 and ₹ 529 crore from 1.4.2012 to 31.3.2013. Provide details for promulgation of Indonesian Regulation and unprecedented depreciation of Indian rupee separately;

(viii) Verify the financial impact during operating period claimed under Change in Law and details of scheduled generation, actual generation at generator terminal, ex-bus generation, GCV of coal, weighted average price of coal and coal consumed in station (4X330=1320 MW) from 1.10.2011 i.e. from the date of effect of Indonesian Regulation during each financial year;

(ix) Profit of Indonesian mines of AEL during the period 1.10.2011 to 31.3.2012 and 1.4.2012 to 31.3.2013;

(x) Whether AEL is willing to sacrifice ROE and up to what extent? and

(xi) Detail of any sale of power beyond normative availability.

3. The Commission directed the respondent and Prayas to file their replies as a last chance, if already not filed, by 19.2.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 29.2.2016. The Commission directed that due date of filing the information, replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 17.3.2016.

By order of the Commission

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