

**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 : 8.3.2016

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 : MP Power Management Company Limited and others

Parties present : Shri Vishrav Mukerjee, Advocate, SPL
Shri N.K.Dev, SPL
Shri G. Umamathy, Advocate, MPPMCL
Ms. Swapna Seshadri, Advocate, Rajasthan Discoms
Ms. Ranjitha Ramachandran, Advocate, HPPCL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed for seeking compensation for the following 'Change in Law' events during the operating period:

- (a) Levy of forest transit fee by Government of Madhya Pradesh under the Madhya Pradesh Transit (Forest Produce) Rules, 2000;
- (b) Modifications in the conditions of Environmental Clearance issued for expansion of Moher and Moher-Amlohri Extension Coal Block;
- (c) Establishment of District Mineral Foundation and National Mineral Exploration Trust in terms of Section 9B and 9C of Mines and Minerals (Development and Regulation) (Amendment) Act, 2015.

2. Learned counsel for the petitioner that the similar statutory levies such as royalty, clean energy cess and excise duty have already been allowed by the Commission vide order dated 30.3.2015 in Petition No. 6/MP/2013 and requested the Commission to permit the petitioner to provisionally recover 90% of amount paid towards levy of transit fee till disposal of the petition.
3. After hearing the learned counsel for the petitioner, the Commission directed to admit the petition and issue notice to the respondents.
4. Learned counsels for the MPPMCL, distribution companies of Haryana and Rajasthan accepted notice on behalf of MPPMCL, Haryana and Rajasthan, and requested for time to file their replies.
5. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies 23.3.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 5.4.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with.
6. The petition shall be listed for hearing on 12.4.2016.

By order of the Commission

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