

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 1/MP/2017

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding ("Competitive Bidding Guidelines") and (a) Article 10 of the PPA dated 17.3.2010 between Maharashtra State Electricity Distribution Company Ltd. and EMCO Energy Limited; (b) Article 10 of the PPA dated 21.3.2013 between electricity Department of Union Territory of Dadra and Nagar Haveli and EMCO Energy Limited and (c) Article 10 of the PPA dated 27.11.2013 between GMR Energy Trading Limited and the Tamil Nadu Generation and Distribution Corporation Limited through EMCO Energy Limited.
- Petitioner : GMR Warora Energy Limited.
- Respondents : Maharashtra State Electricity Distribution Company Limited and others
- Date of hearing : 16.2.2017
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Parties present : Shri Rohit Venkat, Advocate, GWEL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed invoking Article 10 of the PPA read with Section 79 (1) (b) and (f) of the Electricity Act, 2003 seeking relief due to following Change in Law events during the operating period:

- i. Levy of charges for transportation of ash by Ministry of Environment, Forest and Climate
- ii. Levy of Krishi Kalyan Cess
- iii. Imposition of charges towards National mineral Exploration Trust (NMET) and District Mineral Foundation (DMF)
- iv. Increase in the rate of Chhattisgarh Paryavaran and Vikas Upkar
- v. Increase in Central Excise Duty

- vi. Increase in Central Sales Tax
- vii. Levy of Coal and Coke Terminal Charges (CTS)
- viii. Increase in MAT and corporate tax
- ix. Increase in crushing/sizing charges
- x. Increase in Surface Transportation Charges
- xi. Increase in Niryat Kar charges
- xii. Levy of Swachh Bharat Cess
- xiii. Increase in rate of clean energy cess
- xiv. Increase in rate of Busy Season Surcharge
- xv. Increase in Central Excise duty on account of inclusion of Royalty
- xvi. Deviations from the New Coal Distribution Policy
- xvii. Increase in VAT
- xviii. Increase in Countervailing Duty and Excise Duty for spares and equipment
- xix. Increase in Service Tax on O& M contracts
- xx. Increase in Service Tax on coal transportation
- xxi. Increase in Working Capital.

2. Learned counsel for the petitioner requested the Commission to issue notices to the respondents.

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

4. The Commission directed the petitioner to serve copy of the petition on the respondents, if already not served. The respondents were directed to file their replies, on affidavit, by 31.3.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before, 17.4.2017. 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 9.5.2017.

By order of the Commission

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