

**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 Tamil Nadu Generation and Distribution Corporation Limited through EMCO Energy Limited.

Date of hearing : 13.7.2017

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

Petitioner : GMR Warora Energy Limited (GMRWEL)

Respondents : Maharashtra State Electricity Distribution Co. Ltd. and Others

Parties present : Shri Vishrov Mukerjee, Advocate, GMRWEL
Ms. Raveena Dhamija, Advocate, GMRWEL
Shri Yashaswikant Sharma, Advocate, GMRWEL
Ms. H. Mehta, Advocate, MSEDCL
Ms. Swapna Seshadri, Advocate, DNH Distribution Co.
Shri G. Umapathy, Advocate, TANGEDCO
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Aditya Singh, Advocate, TANGEDCO
Shri Naveen Kohli, Advocate, TANGEDCO
Shri M.G. Ramachandran, Advocate, Prayas
Ms. Ranjitha Ramachandran, Advocate, Prayas
Ms. Poorva Saigal, Advocate, Prayas

Record of Proceedings

Learned counsel for the Petitioner requested for one week time to file the rejoinder to the reply filed by Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL). Request was allowed by the Commission.

2. Learned counsels for TANGEDCO and Dadra and Nagar Haveli Distribution Co. (DNH Distribution Co.) requested for two weeks time to file their replies to the petition. Learned counsel for Prayas submitted that the Petitioner has not served copy of the

petition so far and requested to direct the petitioner to serve copy of the petition on Prayas.

3. After hearing the learned counsels for the parties, the Commission directed the petitioner to serve copy of the petition on Prayas immediately. The Commission directed the respondents including Prayas to file their replies by 28.7.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 14.8.2017.

4. The Commission directed the petitioner to submit the following information/clarifications on affidavit, on or before 4.8.2017, with an advance copy to the respondents and Prayas:

- a) Details of Change in Law events occurred after the cut-off date which had reduced the cost during construction and operation period in all the 3 PPAs, namely MSEDCL, DNH and TANGEDCO.
- b) Year-wise impact of each event (from the date of commencement of supply of electricity or the date of Change in Law events, whichever is later) till 31.3.2017 in all the 3 PPAs separately for ten events in case of MSEDCL and DNH and 21 events in case of TANGEDCO along with the computation that the compensation claim is more than the threshold value as per Article 10 of the PPA.
- c) Copy of notification of the State Government/ State Government agency in case of increase in rate of Chhattisgarh Paryavaran and Vikas Upkar.
- d) Clarify the expenditure towards ash disposal with respect to the notification of Ministry of Environment and Forests (MoEF) dated 25.1.2016:
 - i. Details of fly ash generation corresponding to energy supplied to all the long term beneficiaries separately for the claim period till 31.3.2017, along with quantum of ash transported up to 100 km distance and beyond 100 Km (up to 300 Km) and rate of ash transportation cost.
 - ii. Whether the Petitioner has awarded the contract for transportation of ash through competitive bidding or through negotiation route. If the contract has been awarded through competitive bidding, then copy of agreement must be furnished along with the rate of transportation cost and if the contract has been awarded through negotiation route, then justify the price considered was competitive, along with a copy of agreement.
 - iii. Actual fly ash transportation cost paid for transportation of fly ash beyond 100 Km (up to 300 Km) as per MoEF notification duly certified by Auditor for the claim period till 31.3.2017.
 - iv. Under which head of account, transportation expenditure is booked and whether cost of such transportation was being recovered in tariff.
 - v. Whether the Petitioner is maintaining a separate account for revenue earned from sale of ash as per the notification of MOEF. If yes, the total revenue

accumulated and the expenditure incurred from the same account till date. If not, the reason for not maintaining such separate account.

5. The Commission directed that due date of filing the replies, rejoinder and information/ clarifications should be strictly complied with. No extension shall be granted on that account.

6. The petition shall be listed for hearing on 29.8.2017.

By order of the Commission

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