

**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-à-vis US Dollar and levy MAT as per amendment of Section 115 JB of Income Tax Act, 1961.
- Date of hearing : 10.8.2017
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Adani Power Limited.
- Respondents : Gujarat Urja Vikas Nigam Ltd. & Others.
- Parties present : Shri Amit Kapur, Advocate, APL
Shri Vishrov Mukherjee, Advocate, APL
Ms. Ravina Dhamija, Advocate, APL
Shri Hasnain Rangwara, APL
Ms. Abiha Zaidi, Advocate, APL
Ms. Ranjitha Ramachandran, Advocate, Prayas
Ms. Anushree Bardhan, Advocate, Prayas

Record of Proceedings

Learned counsel for the petitioner submitted that the Supreme Court vide judgment dated 11.4.2017 in Civil Appeals No. 5399-5400 of 2016 has held that the elements that are covered by the Competitive Bidding Guidelines must be decided as per the Competitive Bidding Guidelines. Learned counsel further submitted that with respect to the petitioner's claim for imported coal, the Supreme Court has held that the said claim is neither contemplated under the Force Majeure nor under the Change in Law and has to be dealt with under Section 79(1)(b) of the Electricity Act, 2003 which is co-extensive with the Commission's order on the said claim. Learned counsel requested for three weeks time to file consolidated submissions in line with the Supreme Court's judgment dated 11.4.2017 to substantiate the petitioner's claim in the present petition.

2. After hearing the learned counsel for the petitioner, the Commission directed the petitioner to file on affidavit, by 31.8.2017, its submissions with an advance copy to the respondents/Prayas, who may file their response, if any, by 14.9.2017. The Commission directed that due date of filing submissions and replies should be strictly complied with. No extension shall be granted on that account.

3. The petition shall be listed for hearing on 28.9.2017.

By order of the Commission
Sd/-
(T. Rout)
Chief (Legal)