

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 255/MP/2017

Subject : Petition under Section 79 (1)(b) and 79 (1)(f) of the Electricity Act, 2003 read with Article 10 of the PPA seeking compensation on account of events pertaining to "Change in Law" as per the Power Purchase Agreement (PPA) dated 25.3.2011 executed between the Petitioner and the Respondent No. 2 and as per the terms of the Power Supply Agreement (PSA) dated 5.1.2011 executed between Respondent No.1 and Respondent No. 2.

Date of hearing : 21.12.2017

Petitioner : Adhunik Power and Natural Resources Limited

Respondents : West Bengal State Electricity Distribution Co. Ltd. and Others

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Parties present : Shri Nishant Kumar, Advocate, APNRL
Shri Matrugupta Mishra, Advocate, APNRL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking compensation on account of change in law events under Article 10 of the WBSEDCL PSA. Learned counsel for the Petitioner further submitted that the Petitioner is claiming the following change in law events:

- (a) Additional expenditure due to change/increase in Royalty, Contribution to District Mineral Foundation and levy of contribution towards National Mineral Exploration Trust.
- (b) Additional expenditure due to increase in clean energy cess, which was later renamed as clean environment cess and levy of GST Compensation Cess under GST (Compensation to States) Act, 2017.
- (c) Introduction of Excise Duty on Coal.
- (d) Change in the components of Central Excise Duty.
- (e) Increase in Sizing and Crushing charges.
- (f) Increase in coal surface transportation charges.

- (g) Increase in base freight of coal transportation.
- (h) Increase in levy of Busy Season Charges and Development Surcharge.
- (i) Levy and subsequent increase in Service tax.
- (j) Increase in Total Transportation Cost

2. After hearing the learned counsel for the Petitioner, the Commission directed to issue notice to the respondents on maintainability.

3. The Commission directed the Petitioner to serve copy of the Petition on the respondents immediately, if not served already. The Commission directed the respondents to file their replies, by 24.1.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 18.2.2018. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Petition shall be listed for hearing on 27.2.2018 on maintainability.

By order of the Commission

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