

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**I.A. No. 26/2017 in
Petition No. 157/MP/2015**

Subject : Interlocutory Application seeking clarification/ modification of order dated 17.3.2017 in Petition No. 157/MP/2015.

Date of hearing : 18.7.2017

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

Petitioner : Coastal Gujarat Power Limited (CGPL).

Respondents : Gujarat Urja Vikas Nigam Limited and Others.

Parties present : Shri Amit Kapur, Advocate, CGPL
Shri Apoorva Misra, Advocate, CGPL
Shri Kunal Kaul, Advocate, CGPL
Shri M.G. Ramachandran, Advocate, GUVNL
Ms. Anushree Bardhan, Advocate, GUVNL

Record of Proceedings

Learned counsel for the Applicant submitted that the present Interlocutory Application (IA) has been filed for seeking clarification/modification of the Commission's order dated 17.3.2017 in Petition No. 157/MP/2015 to hold that the increase in Gujarat VAT constitutes Change in Law event in terms of Article 13 of the PPA read with Clause 4.7 of the Competitive Bidding Guidelines. Learned counsel further submitted that the APTEL vide its judgment dated 19.4.2017 in Appeal No. 161 of 2015 (Sasan Power Limited Vs. CERC & Others) has held that Gujarat VAT is a Change in Law event in terms of the provisions of the PPA.

2. Learned counsel for the Applicant submitted that pursuant to APTEL judgment dated 19.4.2017, the Applicant is seeking modification of Para 55 of the Commission's order dated 17.3.2017 to incorporate change/increase in Gujarat VAT in the mechanism devised for computing the payment of compensation on account of such Change in Law events.

3. After hearing the learned counsel for the Applicant, the Commission admitted the IA and directed to issue notice to the respondents.

4. Learned counsel appearing on behalf of Gujarat Urja Vikas Nigam Limited (GUVNL) accepted notice to the IA.

5. The Commission directed the Applicant to serve the copy of the IA on the respondents immediately, if not served already. The respondents were directed to file their replies, on affidavit, by 18.8.2017 with an advance copy to the petitioner who may file its rejoinder by 31.8.2017. The Commission directed that due date of filing replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The IA shall be listed for hearing on 6.9.2017.

By order of the Commission

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