

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.97/MP/2017

Subject :Petition under Section 79 and 63 of the Electricity Act,2003 and in the matter of implementation of the Hon'ble Supreme Court judgement dated 11.4.2017 in Civil Appeal No. 5399-5400 of 2016 and batch matters.

Date of hearing : 15.6.2017

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 : Uttar Haryana Bijli Vitran Nigam Limited and Others

Parties present :Shri Amit Kapur, Advocate, APL
Ms. Abiha Zaidi, Advocate, APL
Shri Shashank Kumar, APL
Shri G. Umapathy, Advocate, Haryana Utilities
Shri Ashwini Chitnis, Prayas

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed pursuant to the direction of the Hon'ble Supreme Court in judgment dated 11.4.2017 in Civil Appeal No. 5399-5400 of 2016 seeking relief w.e.f. 7.8.2012 under para 4.7 of the Competitive Bidding Guidelines and Article 13 of the PPA to restore the Adani Power Limited (APL) to the same economic position as if the Change of Law event had not occurred.

2. Learned counsel for the petitioner further submitted that the Hon'ble Supreme Court in its judgment dated 11.4.2017 observed that the Commission has the jurisdiction over APL's PPA with Haryana Utilities and allowed the change in policies of the Government of India with respect to availability of domestic coal to the generating companies as an event of Change in Law in terms of Article 13 of PPA dated 7.8.2008 entered into between APL and Haryana Utilities.

3. Learned counsel for the petitioner requested the Commission to admit the petition and direct the Haryana Utilities to pay Rs. 301 crore from the date of commencement of supply i.e. 2012 under the PPA till March, 2017 and for the subsequent period till the date of payment at the actual interest rate.

4. The representative of Prayas submitted that Prayas being a registered consumer's representative want to represent the interest of the consumer in the matter and requested the Commission to direct the petitioner to serve copy of the petition on Prayas.

5. Learned counsel for the Haryana Utilities take notice on behalf of the Haryana Dicoms.

6. After hearing the learned counsels for the parties and the representative of Prayas, the Commission admitted the petition and directed to issue notice to the respondents and Prayas.

7. The Commission directed the petitioner to serve copy of the petition to the respondents and Prayas immediately. The respondents and Prayas were directed to file their replies by 14.7.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 28.7.2017. 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.

8. The petition shall be listed for hearing on 10.8.2017.

By order of the Commission

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