

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 116/MP/2018**

Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 for claiming compensation on account of events pertaining to change in law as per the terms of PPA dated 1.11.2013 (PTC-PPA) executed between the Petitioner and the Respondent No. 5 and as per the terms of the back to back PPA executed by PTC with Jaipur Vidyut Vitran Nigam Limited, Ajmer Vidyut Vitran Nigam Limited, Jodhpur Vidyut Vitran Nigam Limited dated 1.11.2013.

Date of Hearing : 25.7.2018

Coram : Shri P.K. Pujari, Chairperson  
Shri A.K. Singhal, Member  
Dr. M.K. Iyer, Member

Petitioner : Maruti Clean Coal and Power Limited (MCCPL)

Respondents : Jaipur Vidyut Vitran Nigam Limited and Others

Parties present : Shri Puneet Singh Bindra, Advocate, MCCPL  
Shri Matrugupta Mishra, Advocate, MCCPL  
Shri Nishant Kumar, Advocate, MCCPL  
Shri Ambuj Dixit, Advocate, MCCPL

**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 and to restore the Petitioner to the same economic condition prior to occurrence of the Change in Law events. Learned counsel for the Petitioner further submitted that the Petitioner is supplying power to Rajasthan Discoms and Chhattisgarh State Power Distribution Co. Ltd. under long term PPAs for 250 MW and 15 MW respectively. Learned counsel requested to admit the petition and issue notice to the respondents.

2. After hearing the learned counsel for the Petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

3. The Commission directed the Petitioner to serve copy of the petition on the respondents immediately, if not served already. The respondents were directed to file their replies, by 14.8.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.8.2018.

4. The Commission directed the Petitioner to furnish the following information on an affidavit, by 20.8.2018:

- a) Copy of the PPA entered into with Chhattisgarh State Power Trading Co. Ltd. (CSPTCL)/ Chhattisgarh State Power Distribution Co. Ltd (CSPDCL);

- b) Whether any Change in Law events reducing the cost have occurred during construction and operation period;
- c) Date of Commissioning of the generating station;
- d) Date of start of power supply to Rajasthan Discoms and CSPDCL;
- e) Documentary evidence for increase in impact of Niryat Kar, VAT and Structural impact of GST;
- f) Copy of Gazette Notifications/ Statutory documents with respect to increase in Service Tax, Swachh Bharat Cess, Krishi Kalyan Cess, Clean Energy Cess, Entry Tax and Evacuation Facility Charges;
- g) Services for which increase in Service Tax has been claimed by the Petitioner and its total impact; and
- h) Letter from competent authority of Central Excise Department regarding inclusion/ addition of components in the assessable value of coal for the calculation of Excise Duty.

5. 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.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

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