

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 156/MP/2018

Subject : Petition for seeking compensation/relief for increased expenses due to certain events of 'Change in Law' as per the applicable provisions of the PPAs dated 18.1.2014 and 20.1.2014. (On admission)

Date of hearing : 26.7.2018

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

Petitioner : MB Power Madhya Pradesh Limited (MBPMPL)

Respondents : UPPCL and 5 Others

Parties present : Shri Amit Kapur, Advocate, MBPMPL
Shri Akshat Jain, Advocate, MBPMPL
Ms. Aparajita Upadhyay, Advocate, MBPMPL
Shri Rohit Kumar Gururani, MBPMPL
Shri Naveen kumar, MBPMPL
Shri Abhishek Gupta, MBPMPL
Shri Ravi Arya, MBPMPL
Shri Aashish Anand Bernard, Advocate, PTC India
Shri Paramhans, Advocate, PTC India

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking compensation/relief for increased expenses due to certain events of 'Change in Law' as per the applicable provisions of the PPAs dated 18.1.2014 and 20.1.2014. Learned counsel for the Petitioner submitted that in terms of the Section 79 (1) (b) and (f) of the Electricity Act, 2003, the Commission has jurisdiction to regulate the tariff of the generating company which has entered into or otherwise has a composite scheme for generating and sale of electricity to more than one state. Learned counsel submitted that the Petitioner is supplying power to two State Discoms under long term PPA namely, Uttar Pradesh and Madhya Pradesh for 361 MW (net) and 35% of the project capacity respectively and balance to other States such as Punjab, Gujarat, Telangana, Maharashtra, Tamil Nadu, Bihar, Uttar Pradesh, Delhi, Rajasthan, West Bengal, North Eastern States etc. under short term PPAs. Learned counsel accordingly, requested to admit the petition.

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 17.8.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 24.8.2018.

4. The Commission directed the Petitioner to file the following information on an affidavit, on or before 16.8.2018:

- (a) Copy of the long-term PPAs entered into with MP Discoms;
- (b) Whether any Change in law events reducing the cost have occurred during construction and operation period;
- (c) Date of commissioning of Unit-2;
- (d) Date of start of power supply to MP Discoms;
- (e) Copy of Government Gazette Notifications/ Statutory documents with respect to increase in Forest tax evacuation Facility charges, and
- (f) 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, rejoinders and information 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)**