

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 251/MP/2018**

Subject : Petition under Sections 79(1)(f) of the Electricity Act, 2003 read with Article 13 of the PPAs dated 7.8.2008 for payment of compensation pursuant to the relief of Change in Law granted by this Commission by its Order dated 31.5.2018.

Date of Hearing : 17.9.2018

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

Petitioner : Adani Power Limited

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Others

Parties present : Ms. Poonam Verma, Advocate, APL  
Shri Tarul Sharma, Advocate, APL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that present Petition has been filed seeking direction for the payment of compensation pursuant to relief of change in law granted by the Commission in its order dated 31.5.2016. Learned counsel further submitted as under:

- a) The Petitioner approached the Commission in Petition No. 97/MP/2017 for seeking implementation of the directions of the Hon'ble Supreme Court in Energy Watchdog and Others v CERC and Others case for grant of relief on account of the domestic coal shortage faced by the Petitioner.
- b) The Commission vide order dated 31.5.2018 in Petition No. 97/MP/2017 held that the Petitioner is entitled to compensation for shortfall in supply of domestic coal. However, the Commission restricted the Petitioner's entitlement for the period from 1.4.2013 to 31.3.2017 on the basis of MoC letter dated 31.7.2013 that CERC/SERCs will allow the higher cost of coal as pass through to the extent of shortfall in quantity as indicated in LoA/FSA for the remaining 4 years of 12<sup>th</sup> F.Y Plan.
- c) The relief for change in law on account of shortfall in supply of domestic coal cannot be for a limited period. In the light of Energy Watchdog Judgment, the Petitioner shall be entitled to compensation on account of shortfall in supply of domestic coal even beyond 31.3.2017 along with carrying cost.

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



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 3.10.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 15.10.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. 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)**