

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
Petition No. 269/MP/2018

Subject : Petition under Section 142 of the Electricity Act, 2003, for non-compliance of the Commission's direction dated 28.9.2017 in Petition No. 97/MP/2017.

Date of Hearing : 15.11.2018

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

Petitioner : Adani Power (Mundra) Limited

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Others

Parties Present : Shri Amit Kapur, Advocate, APML
Ms. Poonam Verma, Advocate, APML
Ms. Abida Jaidi, Advocate, APML
Shri Tarul Sharma, Advocate, APML
Ms. Ranjitha Ramachandran, Advocate, Haryana Utilities
Shri Jignesh Langalia, APML

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed under Section 142 of the Electricity Act, 2003, for non-compliance of the Commission's direction dated 28.9.2017 in Petition No. 97/MP/2017. Learned counsel further submitted that Haryana Utilities have unilaterally adjusted Rs 328.58 crore from the monthly bills and supplementary bills raised by the Petitioner towards the compensation for change in law events of Taxes and Duties approved by the Commission in its order dated 6.2.2017 in Petition No. 156/MP/2014.

2. Learned counsel for Haryana Utilities submitted that the issue of taxes and duties has to be considered as per the order dated 6.2.2017 in Petition no. 156/MP/2014. The compensation for change in law is as per the actual coal consumed by the Petitioner. If the Petitioner does not actually consume coal or does not make the actual payment towards change in law, it cannot claim such compensation from the Procurers. Learned counsel further submitted that Haryana Utilities have also filed Review Petition No. 24/RP/2018 seeking review of the order dated 28.9.2017 in Petition No. 97/MP/2017, which is pending and final computation in the present Petition has to be done as per order in Review Petition No. 24/RP/2018.
3. After hearing the learned counsel for the Petitioner and Respondents, the Commission directed that the matter shall be listed for hearing after the disposal of the Review Petition No. 24/RP/2018.

By order of the Commission

Sd/-
(T. D. Pant)
Deputy Chief (Law)