

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Date of Hearing : 18.10.2018

Petition No. 284/MP/2018 alongwith I.A. No. 77/2018

Petitioner : GMR Warora Energy Limited

Respondents : Maharashtra State Electricity Distribution Company Limited and Others

Subject :Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the Power Supply Agreement dated 17.3.2010 and 21.3.2013 executed between GMR Warora Energy Limited and Distribution Companies of the states of Maharashtra and Dadra & Nagar Haveli for compensation due to change in law.

Petition No. 8/MP/2014

Petitioner : EMCO Energy Limited

Respondent : Maharashtra State Electricity Distribution Co. Limited and others

Subject : Evolving a mechanism for grant of an appropriate adjustment/ compensation to offset financial/ commercial impact of change in law during Construction and Operating period.

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

Parties Present : Shri Vishrov Mukherjee, Advocate, GMRWEL
Ms. Raveena Dhamija. Advocate, GMRWEL
Shri Yashawi Kant, Advocate, GMRWEL
Shri M. G. Ramachandran, Advocate, Prayas
Shri Shubam Arya, Advocate, Prayas
Ms. Poorva Saigal, Advocate, Prayas
Shri Pulkit Agarwal, Advocate, Prayas

Record of Proceedings

Learned counsel for the Petitioner submitted that the Petitioner had filed the Petition No. 8/MP/2014. The Commission vide its order dated 1.2.2017 disallowed compensation on some of the change in law events claimed by the Petitioner. Aggrieved by the decision of the Commission, the Petitioner filed appeal before the Appellate Tribunal. The Appellate Tribunal vide its order dated 14.8.2018 in Appeal No. 111 of 2017, remanded back the matter to the Commission to pass consequential orders regarding Busy Season Surcharge, Development Surcharge, MOEF Notification

on coal quality, change in NCDP and Carrying Cost. Accordingly, the present Petition has been filed for computation of compensation to be paid to the Petitioner on account of changes in coal quantity due to deviation in NCDP and subsequent notifications by Government of India and for directions to the Respondents for payment of amounts due towards Busy Season Surcharge and Development Surcharge. Learned counsel requested to issue notices to the Respondents.

2. Learned counsel for the Petitioner submitted that the Petitioner has also filed I.A. seeking direction to the Respondents to pay the entire amount payable in respect of increase in Busy Season Surcharge and Development Surcharge and 75% of the compensation amount claimed with respect to the shortfall in linkage coal, change in coal quality and carrying cost for the past period within one month and also to commence monthly payments in accordance with the PPA, subject to adjustment of final determination of relief by the Commission.
3. Learned counsel for Prayas submitted that Prayas Energy was a party in Petition No. 8/MP/2014. However, the Petitioner has not impleaded Prayas as party to the present Petition. Learned counsel for the Petitioner objected the same and submitted that Petitioner is not under any obligation to implead Prayas as party to the present Petition as the PPA is between the Petitioner and Discoms. Being a consumer group empanelled with the Commission, the Commission directed the Petitioner to implead Prayas as party to the present Petition.
4. Learned counsel for MSEDCL sought permission to file its reply to the IA filed by the Petitioner.
5. The Commission admitted the Petition and directed to issue notices to the Respondents, including Prayas.
6. The Commission directed the Petitioner to serve copies of the Petition on the Respondents including Prayas. The Commission directed the Respondents and Prayas to file their replies, by 9.11.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 28.11.2018. 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.
7. The Commission directed MSEDCL and Prayas to file their replies on the I.A by 26.10.2018, with an advance copy to the Petitioner, who may file its rejoinder by 3.11.2018. Accordingly, the Commission reserved the order in the I.A.
8. The Petition shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

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