

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 72/MP/2018**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding ("Competitive Bidding Guidelines") and (a) Article 10 of the PPA dated 9.11.2011 between GMR Kamalanga Energy Ltd. and Bihar State Electricity Board and (b) Article 13 of the PPA dated 12.3.2009 between GMR Energy Ltd. (on behalf of GMR Kamalanga Energy Limited) and PTC India Ltd. with back to back PPA between PTC India Ltd. and Haryana Distribution companies, for compensation due to Change in Law.

Date of Hearing : 17.9.2018

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

Petitioner : GMR Warora Energy Limited

Respondents : Dakshin Haryana Bijli Vitran Nigam Limited and Others

Parties present : Shri Vishrov Mukherjee, Advocate, GMRWEL  
Ms. Raveena Dhamija, Advocate, GMRWEL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that present Petition has been filed seeking relief on account of the following change in law events during the operating period:

- a) Levy of Coal Terminal surcharge by Ministry of Railways;
- b) Levy of Evacuation Facility Charge by Coal India Limited;
- c) Expenditure towards CSR activities pursuant to the Companies Act, 2013;
- d) Expenditure towards CSR activities pursuant to Environmental Clearance dated 25.10.2010; and
- e) Levy of GST on O & M contracts pursuant to the Central Good and Services Tax Act, 2017.

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)**