

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 101/MP/2019

Subject : Petition under Section 62(a) and 79(1)(a) of the Electricity Act, 2003 read with Regulations 8(3) (ii) and 8(7) of the CERC (Terms and Conditions of Tariff) Regulations, 2014 for recovery of additional expenditure incurred due to sharing of transportation cost of fly ash consequent to Ministry of Environment and Forest, Government of India Notification dated 25.1.2016 as Change in Law.

Petitioner : Damodar Valley Corporation Limited (DVC)

Respondents : BSES Yamuna Power Limited and Others

Date of Hearing : 7.5.2019

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

Parties present : Shri Venkatesh, Advocate, DVC
Shri Somesh Srivastava, Advocate, DVC
Shri Suhael Buttan, Advocate, DVC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter-alia* for seeking declaration that the issuance of Ministry of Environment of Forests and Climate Change, Government of India Notification dated 25.1.2016 is a Change in Law event under Regulation 8 of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and to grant permission to recover the Additional Expenditure incurred by the Petitioner's company for transportation cost of fly ash through monthly bills from the various beneficiaries of the Petitioner's generating company. Learned counsel requested the Commission to issue notice to the Respondents.

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 4.6.2019 with an advance copy to the Petitioner who may file its rejoinder, if any, by 18.6.2019. 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.
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.D. Pant)
Deputy Chief (Law)**