

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 119/MP/2019

Subject : Petition under Section 79(1)(a) and Section 79(1)(f) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for relief on account of a 'Change in Law' affecting Stage II of the Badarpur Thermal Power Station (BTPS)

Petitioner : NTPC Limited

Respondents : BRPL & ors.

Date of Hearing : 9.7.2019

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

Parties present : Shri Sitesh Mukherjee, Advocate, NTPC
Shri Divyanshu Bhatt, Advocate, NTPC
Shri Arjun Agarwal, Advocate, NTPC
Shri Manoj Kr. Sharma, NTPC
Shri E.P.Rao, NTPC
Ms. Anukriti Jain, Advocate, TPDDL
Shri Hasan Murtaza, Advocate, BRPL & BYPL
Shri Nishant Grover, BYPL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner, NTPC submitted that Stage-II of BTPS was forced to shut down for the period from 17.10.2017 to 28.2.2018 due to direction of Delhi Pollution Control Committee (DPCC) dated 3.10.2017 on account of severe ambient air pollution, even though it was fully compliant with the norms prescribed by DPCC. He further submitted that in a similar case in Petition No. 14/MP/2017, the Commission by its order dated 21.8.2018 had allowed the reliefs prayed for. Accordingly, the learned counsel submitted that the reliefs prayed for in this petition may be allowed.

2. The Commission after hearing the learned counsel for the Petitioner admitted the Petition and directed issue of notice to the Respondents. The learned counsel for Respondents, BRPL & BYPL accepted notice on behalf of the Respondents and prayed for time to file their replies in the matter.
3. The Commission directed the Petitioner to serve copy of the Petition on other Respondents, if not already served. The Commission also directed the Respondents to file their replies by **2.8.2019** with advance copy to the Petitioner, who may file its rejoinder, if any, by **9.8.2019**. Pleadings shall be completed by the parties prior to the date of hearing.
4. Matter shall be listed for hearing in due course for which notice will be issued to the parties.

By order of the Commission

Sd/-
(B.Sreekumar)
Dy. Chief (Law)

