

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing: 7.5.2019

Petition No. 208/MP/2018

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 19.8.2013 entered into between the Petitioner and the Respondent, seeking approval of the cost to be incurred by the Petitioner on account of change in law, for installation/retrofit of 'Electrostatic Precipitators' (ESP), installation of Flue Gas Desulphurisation (FGD), installation of low Nox burners, providing Over Fire Air (OFA) and any other measures for compliance of the notification dated 7.12.2015 issued by the Ministry of Environment and Forests and Climate Change, Government of India in respect of Thermal Power Plants installed/commissioned after 1.1.2003; and for other claims on account of Change in Law under the Power Purchase Agreement.

Petitioner : DB Power Limited

Respondents : TANGEDCO and Others

Petition No. 213/MP/2018

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 1.11.2013 entered into between the Petitioner and the Respondent, seeking approval of the cost to be incurred by the Petitioner on account of change in law, for installation/retrofit of 'Electrostatic Precipitators' (ESP), installation of Flue Gas Desulphurisation (FGD), installation of low Nox burners, providing Over Fire Air (OFA) and any other measures for compliance of the notification dated 7.12.2015 issued by the Ministry of Environment and Forests and Climate Change, Government of India in respect of Thermal Power Plants installed/commissioned after 1.1.2003; and for other claims on account of Change in Law under the Power Purchase Agreement.

Petitioner : DB Power Limited

Respondents : PTC India Limited and Others

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

Parties present : Shri Deepak Khurana, Advocate, DBPL
Shri Ashwin Ramanathan, Advocate, RUVNL
Shri Aashish Anand Bernard, Advocate, PTC India

Record of Proceedings

Learned counsel for TANGEDCO submitted that during the hearing on 20.3.2019, learned counsel for the Petitioner sought permission to withdraw the prayer made in both the Petitions with regard to the approval of expenditure to be incurred on account of amendment in Environmental Norms and installation of FGD system. However, the Petitioner has not filed amended Petitions so far. Learned counsel requested the Commission to direct the Petitioner to file the amended Petitions. Learned counsel submitted that reply to the Petition has already been filed.

2. Learned counsel for the Petitioner objected to the same and submitted that the Commission vide ROP dated 20.3.2019 had granted permission to the Petitioner to withdraw the prayer with regard to approval of expenditure to be incurred on account of amendment in Environmental Norms and installation of FGD system. Therefore, amended Petitions are not required.

3. Learned counsel for PTC sought permission to file the reply during the course of the day which was allowed by the Commission.

4. After hearing the learned counsels for the Petitioner and the Respondents, the Commission directed the Petitioner to file the amended Petitions on or before 17.5.2019. The Commission directed the Petitioner to file rejoinder to the reply of PTC by 20.5.2019. The Commission directed that due date of filing the amended Petitions and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petitions 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)**