

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**PetitionNo.139/MP/2019**

**Coram:**

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

**Date of Order: 24<sup>th</sup> June, 2019**

**In the matter of**

Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding ("Competitive Bidding Guidelines") and Article 10 of the Power Purchase Agreements dated 17.03.2010, 21.03.2013 and 27.11.2013 executed between GMR Warora Energy Limited and the Distribution Companies in the States of Maharashtra, Dadra and Nagar Haveli and Tamil Nadu respectively for compensation due to levy of charges for transportation of fly ash.

**And**

**In the matter of**

GMR Warora Energy Limited  
701/704, 7th floor, Naman Center, A-Wing,  
BKC (Bandra Kurla Complex), Bandra  
Mumbai-400051

.....Petitioner

**Vs**

1. Maharashtra State Electricity Distribution Company Limited  
Fifth Floor, Prakashgarh, Plot No. G-9,  
Anant Kanekar Marg,  
Bandra (East) Mumbai-400 051

2. DNH Power Distribution Corp. Limited  
Vidyut Bhavan, Opposite Secretariat,  
Silvassa, Dadra and Nagar Haveli -396230

3. Tamil Nadu Generation and Distribution Corp. Ltd.  
NPKRR Maaligai, 144, Anna Salai,  
Chennai - 60002

4. GMR Energy Trading Limited  
25/1 Skip House, Museum Road,  
Bangalore, Karnataka - 560025

.....Respondents



**Present:**

Shri Akshat Jain, Advocate, GMRWEL

**ORDER**

This Petition has been filed by the Petitioner for determination of compensation on account of expenditure incurred towards transportation of fly ash in terms of the Ministry of Environment, Forests & Climate Change (MOEFCC) notification dated 25.1.2016 and for computation of carrying cost on account of the same.

2. During the hearing of the Petition 'on admission' on 18.6.2019, the learned counsel for the Petitioner submitted that in terms of the liberty granted by the Commission in its order dated 16.3.2018 in Petition No. 1/MP/2017, the Petitioner has complied with the conditions stipulated by the Commission in the said order. The learned counsel further submitted that it has obtained No-Objection Certificate from the Maharashtra Pollution Control Board for disposal of ash at abandoned quarries and has awarded contract for transportation of fly ash, following a transparent and competitive procedure. Accordingly, the learned counsel prayed that the Petitioner ought to be compensated for the expenditure incurred on account of transportation of fly ash which is a change in law event.

3. On being pointed out by the Commission that details regarding the distance of transportation of ash from power station in terms of the notification dated 25.1.2016, the 'end user' of fly ash etc., has not been furnished in the Petition, the learned counsel prayed that it may be permitted to withdraw the Petition with liberty to file fresh Petition with all relevant details.



4. The prayer of the learned counsel for the Petitioner for withdrawal of Petition is accepted. Accordingly, the Petition is disposed of as withdrawn. The Petitioner is however granted liberty to file fresh Petition with relevant particulars and the same will be considered in accordance with law. The filing fees deposited by the Petitioner in respect of this Petition shall be adjusted against the petition to be filed by the Petitioner in terms of the liberty granted as above.

5. With the above, Petition No. 139/MP/2019 stands disposed of as withdrawn.

*Sd/-*  
**(I.S. Jha)**  
Member

*Sd/-*  
**(Dr. M. K. Iyer)**  
Member

*Sd/-*  
**(P.K. Pujari)**  
Chairperson

