

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 101/MP/2019

Subject : Petition under Section 62(a) and Section 79(1)(a) of the Electricity Act, 2003 read with Regulation 8(3)(ii) and Regulation 8(7) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 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' Event.

Petitioner : Damodar Valley Corporation (DVC)

Respondents : BSES Yamuna Power Limited (BYPL) and Ors.

Date of Hearing : 27.2.2020

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

Parties present : Shri S. Venkatesh, Advocate, DVC
Shri Suhael Buttan, Advocate, DVC
Shri Subrata Goshal, DVC
Shri Rakesh Ranjan, DVC
Shri S. P. Patra, DVC
Shri Arijit Maitra, Advocate, BYPL and BRPL
Ms. Megha Bajpeyi, BRPL
Shri Anurag Naik, MPPMCL

Record of Proceedings

Learned counsel for the Petitioner and the learned counsel for the Respondents advanced their extensive arguments in support of their contentions and reiterated the submissions made in their respective pleadings.

2. Learned counsel for BRPL handed over the copy of the reply and reiterated the submissions made therein.

3. After hearing the learned counsels for the parties, the Commission directed the Petitioner to provide the following information, on affidavit, by 13.3.2020:

Details of actual expenditure incurred towards Ash transportation from 25.1.2016 to 31.3.2019 for each plant in the following format and reconciliation of its claim with MOEF&CC Notification:



Sl. No.	Name of Agency to whom ash was supplied	Distance and Quantum of supply of ash from plant		Rate of ash transportation cost fixed through negotiation/ tenders (Rs./Ton)	Through negotiation or tendering. If through tender, No. of bidder participated. If through negotiation, reason for the same	Income from ash sales (Rs.)	Total transportation cost incurred (Rs.)	Total claim as per MOEF notification dated 25.1.2016. (Rs.)
		km	MT					
	Cement Plant							
	Non-Cement Plant							
	Low lying area development							
	Ash dyke raising							
	Mine filling							
	Road embankment construction							
	Other industries							

4. Subject to above, the Commission reserved order in the Petition.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Legal)**

