

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 161/MP/2020

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 for claiming compensation on account of events pertaining to Change in Law as per Article 10 of the Power Purchase Agreement dated 23.8.2013 and Article 10 of the Addendum Power Purchase Agreement dated 10.12.2013.

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondents : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and Ors.

Date of Hearing : 7.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Hemant Singh, Advocate, BALCO
Shri Lakshyajit Singh Bagdwal, Advocate, BALCO
Shri Gaurav Saini, BALCO

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 read with Article 10 of the Power Purchase Agreement (PPA) dated 23.8.2013 read with Addendum to PPA dated 10.12.2013 entered into with Respondent No.1, Tamil Nadu Generation and Distribution Corporation Limited, *inter-alia*, seeking compensation on account of occurrence of Change in Law events, namely, (i) introduction of Evacuation Facility Charges, (ii) additional cost towards fly ash transportation, (iii) increase in Consent Fee, (iv) increase/change in levy of royalty and (v) increase in cost due to introduction of Environment (Amendment) Rules, 2015. Learned counsel for the Petitioner requested to issue notice to the Respondents. Learned counsel requested to issue notice to the Respondents.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 30.7.2020 with advance copy to the Petitioner who may file its rejoinder, if



any, by 20.8.2020. The Commission directed that due date of filing of reply and/or rejoinder should be strictly complied with.

5. 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)

