

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 265/MP/2020**

Subject : Petition under Sections 63 and 79 (1) (c) and (d) of the Electricity Act, 2003 read with Regulation 86 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for providing relief under Change in Law, Article 12.2 of Transmission Service Agreement, for Transmission System associated with Gadawara Super Thermal Power Station (2 x 800 MW) of NTPC (Part-A).

Petitioner : Powergrid Warora Transmission Limited (PWTL)

Respondents : Maharashtra State Electricity Distribution Company Limited (MSEDCL) and Ors.

Date of Hearing : 26.5.2020

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

Parties present : Shri M.G Ramachandran, Sr. Advocate, PWTL  
Ms. Ranjitha Ramachandra, Advocate, PWTL  
Shri Shubham Arya, Advocate, PWTL  
Shri Vamsi, PGCIL  
Ms. Manju Gupta, PGCIL

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that present Petition has been filed, *inter-alia*, seeking relief under Article 12.2 of the Transmission Service Agreement for the various Change in Law events, namely, (i) increase in acquisition price of Bid Process Coordinator (BPC), (ii) Notification of Goods and Service Tax Act, 2017 by Government of India, and (iii) Notification of payment of land compensation for tower base as well as corridor of transmission line by Government of Maharashtra and Government of Madhya Pradesh. Learned senior counsel requested to issue notice to the Respondents.

3. After hearing the learned senior 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 20.6.2020 with advance copy to the Petitioner who may file its rejoinder, if any, by 30.6.2020.



5. The Commission further directed the Petitioner to file the following clarification/information on affidavit by 26.6.2020:

- (a) Reasons for increase in acquisition price by BPC;
- (b) Whether notices for revision of tax and rates have been issued to the LTTCs in terms of the TSA;
- (c) Auditor certified calculation (in comparison with original tax estimations based on original estimated project cost) of amount claimed due to introduction of GST mentioning the adjustment of service tax and other such taxes/duties which were earlier envisaged in the project cost estimations, however, subsumed in GST in reconciliation with the amount specified in the auditor certificate submitted with the Petition along with supporting documents. Details of reduction in the rate of any other taxes, if any, contributing in reduction of capital cost during construction period separately;
- (d) Auditor certified calculation of funding cost separately for cost of debt and return on equity, claimed under land compensation, GST introduction and acquisition price difference together with the Auditors certificate clearly mentioning the actual capital cost and actual Debt & Equity during the relevant construction period;
- (e) Details in support of claim of increase in actual land compensation / RoW payments over those prevailing as on cut-off date; and
- (f) How additional overheads have been incurred due to more amount of GST/ taxes paid to Government. RoW payments made to the land owners and higher acquisition price paid to BPC;

6. The Commission directed that the due date of filing of reply, rejoinder and details/information should be strictly complied with.

7. 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)**

