

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.300/MP/2018
along with I.A No. 6/2020

- Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 read with Regulation 14 (3) (ii) and Regulation 8 (3) (ii) of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations 2014 and read with statutory framework governing procurement of power through Competitive Bidding and Article 10 and 13 of the respective Power Purchase Agreements, executed between GMR Kamalanga Energy Limited and its beneficiaries, seeking compensation on account of Change in Law events impacting revenues and costs during the Operating Period
- Petitioner : GMR Kamalanga Energy Limited & Anr.
- Respondents : Bihar State Power (Holding) Company Ltd. & Ors.

Petition No.301/MP/2018
along with I.A No. 7/2020

- Subject : Petition under Section 79 (1) (b) and (f) of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the Power Purchase Agreements dated 17.3.2010, 21.3.2013 and 27.11.2013 executed between GMR Warora Energy Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating Period
- Petitioner : GMR Warora Energy Limited
- Respondents : Maharashtra State Electricity Distribution Company Ltd. & Ors.
- Date of hearing : **25.2.2020**
- Coram : Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member
- Parties present : Shri Venkatesh, Advocate, GMR
Shri Suhael Buttun, Advocate, GMR
Shri Ravi Kishore, Advocate, PTC
Ms. Rajshree Chaudhary, Advocate, PTC
Ms. Poorva Saigal, Advocate, Haryana Utilities
Ms. Tanya Sareen, Advocate, Haryana Utilities
Shri Ajay Kumar Bansal, UHBVNL
Shri R.K Mehta, Advocate, GRIDCO
Ms. Swapna Seshadri, Advocate, DNH



Ms. Ritu Apurva, Advocate, DNH
Shri Anup Jain, Advocate, MSEDCL
Shri S. Rama, Advocate, MSEDCL

Record of Proceedings

These petitions were taken up for hearing.

2. During the hearing, the learned counsel for the Petitioner requested for grant of time to amend the Petition. This was not objected to by the learned counsel for Respondents. Accordingly, the Commission permitted the Petitioner to file amended petition by **31.3.2020**, with advance copy to the Respondents. The Commission also directed that the amended petition shall include the following additional information;

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(a) The Commission vide ROP of hearing dated 31.10.2019 directed the Petitioner to furnish the fund allocated for compliance to environment clearance dated 5.2.2008. The Petitioner has furnished the expenditure incurred on various schemes during past but has not specifically clarified with regard to upfront allocation of fund for the purpose. Hence, the Petitioner is directed to furnish the breakup of the fund allocated with regard to the compliance of the directions contained in Environmental Clearance dated 5.2.2008;

(b) To indicate the technology selected by the Petitioner (out of the two technologies, recommended by CEA) for SO_x control and the details in regard to lifecycle cost benefit analysis & feasibility for optimization of CAPEX, OPEX and subsequent implication on tariff, as per CEA recommendations dated 25.3.2019.

(c) Details of existing levels of emissions of SO_x and design level of emissions of SO_x prescribed by the OEM for this plant, based on the use of worst coal.

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(a) Sub- clause (xvii) of clause B, regarding General Conditions of Environment clearance dated 25.5.2010 is extracted as under:

“(xvii) Separate funds shall be allocated for implementation of environmental protection measures along with item-wise break-up. These cost shall be included as part of the project cost. The funds earmarked for the environment protection measures shall not be diverted for other purpose and year-wise expenditure should be reported to the ministry.”

The Petitioner is therefore directed to furnish the upfront allocation of fund for the Environmental protection measure at the time of inception of the project;

(b) Copy of details of cost estimates submitted to Lender towards financial closure of the project;



(c) The cost benefits analysis of the selected technology, out of the two technologies suggested vide CEA recommendations dated 25.3.2019.

3. The Respondents are directed to file their replies on or before **16.4.2020**, with advance copy to the Petitioner, who may file its rejoinder by **24.4.2020**.

4. The petitions shall be listed for hearing in due course, for which separate notices will be issued to the parties.

By order of the Commission

**Sd/-
(B.Sreekumar)
Dy. Chief (Law)**

