

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 405/MP/2019**

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and (a) Article 10 of the Power Purchase Agreement dated 9.11.2011 between GMR Kamalanga Energy Limited and Bihar State Electricity Board and (b) Article 13 of the Power Purchase Agreement dated 12.3.2009 between GMR Energy Limited (on behalf of GMR Kamalanga Energy Limited) and PTC India Limited with back to back Power Purchase Agreement between PTC India Limited and Haryana Distribution companies, for compensation due to Change in Law event - levy of charges for transportation of fly ash.
- Petitioner : 1. GMR Kamalanga Energy Limited (GKEL)  
2. GMR Energy Limited (GEL)
- Respondents : Dakshin Haryana Bijli Vitran Nigam Limited & Others.
- Date of Hearing : 14.1.2020
- Coram : Shri P. K. Pujari, Chairperson  
Dr. M.K.Iyer, Member  
Shri I.S. Jha, Member
- Parties present : Shri Vishrov Mukerjee, Advocate, GKEL.

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed by the Petitioner pursuant to the liberty granted by the Commission in order dated 21.2.2018 in Petition No.131/MP/2018 seeking, *inter-alia*, determination of compensation on account of expenditure incurred towards transportation of fly ash and carrying cost thereon. Learned counsel for the Petitioner requested to issue notice to the Respondents.

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

3. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not served already. The Respondents were directed to file their replies, by 5.2.2020, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 20.2.2020.

4. The Commission directed the Petitioner to certify, on affidavit, by 5.2.2020 that only half of the transportation cost paid for the transportation of ash to users (other than road projects under PMGSY) beyond the 100 km, has been claimed in the Petition.

5. The Commission directed that due date of filing the information, replies and rejoinder should be strictly complied with.



6. The Petition shall be listed for hearing in due course for which notice will be issued separately.

**By order of the Commission**

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

