

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 513/MP/2020

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 7.8.2008 entered with Haryana Utilities, Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees dated 19.1.2005, amended from time to time and revised Tariff Policy 2016, seeking compensation due to certain Change in Law events.

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Anr.

Date of Hearing : 30.7.2020

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

Parties present : Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Verma, Advocate, APMuL
Ms. Adishree Chakraborty, Advocate, APMuL
Shri M. R. Krishna Rao, APMuL
Shri Sameer Ganju, APMuL
Shri Malav Deliwala, APMuL
Shri Mehul Rupera, APMuL
Shri Shashank Kumar, APMuL
Shri Tanmay Vyas, APMuL
Ms. Ranjitha Ramachandran, Advocate, Haryana Utilities
Shri Shubham Arya, Advocate, Haryana Utilities
Shri Vikas Kadian, Haryana Utilities

Record of Proceedings

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner submitted that the instant Petition has been filed for seeking compensation through tariff adjustment along with carrying cost on account of occurrence of Change in Law events after the cut-off date i.e. 17.11.2007, namely, (i) levy of Forest Tax on dispatches/lifting of coal, (ii) increase in rate of levy of Chhattisgarh Environment Cess and Infrastructure Development Cess, (iii) levy of Evacuation Facility Charges and (iv) levy of restriction on sulphur content in fuel oil in



terms of the International Convention for Prevention of Pollution from Ships ('MARPOL'). Learned counsel requested to issue notice to the Respondents.

3. Learned counsel for the Respondents, i.e. for Haryana Utilities, accepted the notice and sought three weeks' time to file reply to the Petition.

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

5. 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, if any, by 24.8.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 11.9.2020. The due date of filing of reply and rejoinder should be strictly complied with.

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

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

