

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.104/MP/2017

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 7.8.2008 executed between Uttar Haryana Bijli Vitran Nigam Limited/ Dakshin Haryana Bijli Vitran Nigam Limited and Adani Power Limited.
- Date of Hearing : 27.9.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Adani Power (Mundra) Limited (APMuL)
- Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Anr.
- Parties Present : Shri Amit Kapur, Advocate, APMuL
Shri Hemant Singh, Advocate, APMuL
Shri Lakshyajit Singh Bagdwal, Advocate, APMuL
Ms. Poorva Saigal, Advocate, Haryana Utilities
Shri Shubham Arya, Advocate, Haryana Utilities
Ms. Tanya Sareen, Advocate, Haryana Utilities
Shri Vikas Kadian, Haryana Utilities

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present matter has been re-listed for hearing pursuant to the judgment of the Appellate Tribunal for Electricity ('APTEL') dated 12.8.2021 in Appeal No. 421 of 2019, wherein the APTEL has held that the Petitioner is entitled to carrying cost and interest on carrying cost in respect of compensation for change in law event towards installation of FGD approved by the Commission and has directed the Commission to determine the amount payable to the Petitioner. The learned counsel, by adopting his detailed submissions advanced in Petition No. 156/MP/2014, submitted that the carrying cost and interest thereon are to be determined based on the compound interest.

3. The learned counsel for the Respondents, Haryana Utilities requested for ten days' time to place on record the submission of the Respondents on the applicable rate of interest, type of interest i.e. simple interest or compound interest and the amount that is payable as per the Respondents.

4. After hearing the learned counsels for the parties, the Commission observed that the determination of claim amount would be merely a computational exercise once the issues of applicable rate of interest and type of interest are decided. Accordingly, the Commission directed the Respondents to file their submissions on



the issue of applicable rate of interest and type of interest on or before 10.10.2021 with an advance copy to the Petitioner, who may file its response thereon, if any, by 12.10.2021.

5. The Petition shall be listed for hearing on 14.10.2021.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)