

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 126/MP/2016

- Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 for claiming compensation on account of event pertaining to Change in Law as per Article 10 of the Power Purchase Agreement dated 23.8.2013 executed between the Petitioner and the Respondent.
- Date of Hearing : 3.9.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Bharat Aluminium Company Limited (BALCO)
- Respondents : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) and 5 Ors.
- Parties Present : Shri Buddy Ranganadhan, Advocate, BALCO
Shri Hemant Singh, Advocate, BALCO
Ms. Supriya Rastogi Agarwal, Advocate, BALCO
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. M.Hemalatha, TANGEDCO
Shri S. Poonkodi, TANGEDCO

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present Petition has been re-listed for hearing pursuant to the judgment of Appellate Tribunal for Electricity ('APTEL') dated 12.8.2021 in Appeal No. 22/2019 and Appeal No. 58/2019. APTEL in the said judgment has allowed the Change in Law claim towards levy of Busy Season Surcharge, Development Surcharge and carrying cost and has remanded the matter to the Commission to pass consequential order. Learned counsel, relying on the Article 8.3.5 of the PPA read with Article 8.8.3 of the PPA, order of the Commission dated 17.9.2018 in Petition No. 235/MP/2015 and the judgment of APTEL dated 12.8.2021 in Appeal No. 421 of 2019, submitted that the Petitioner is entitled for carrying cost. The learned counsel sought liberty to file brief note of submissions in the matter.
3. The learned counsel for the Respondent, TANGEDCO sought liberty to file response to brief note of submissions to be filed by the Petitioner.
4. After hearing the learned counsels for the parties, the Commission directed the Petitioner to file its note of submissions within two days after serving copy to the Respondents. The Commission also directed the Respondent, TANGEDCO to file its response thereon within two days thereafter. No extension of time shall be permitted.

5. Subject to the above, order in the Petition was reserved.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**