

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 157/MP/2015 along with IA No. 53/2021

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 read with Article 13.2(b) of the Power Purchase Agreement dated 22.4.2007 (as amended from time to time) seeking adjustment of tariff for increase/decrease in revenue/costs of Coastal Gujarat Power Limited due to 'Change in Law' during the Operation Period for the Financial Year 2011-12, 2012-13 and 2013-14.

Petitioner : Coastal Gujarat Power Limited (CGPL)

Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and 7 Ors.

Petition No. 121/MP/2017

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 read with Article 13.2(b) of the Power Purchase Agreement dated 22.4.2007 and Clause 4.7 of the Competitive Bidding Guidelines, seeking adjustment of tariff for increase/decrease in revenue/costs of Coastal Gujarat Power Limited due to occurrence of 'Change in Law' events.

Petitioner : Coastal Gujarat Power Limited (CGPL)

Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and 7 Ors.

Date of Hearing : 13.7.2021

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Parties Present : Shri Amit Kapur, Advocate, CGPL
Shri Abhishek Munot, Advocate, CGPL
Shri Tushar Nagar, Advocate, CGPL
Shri M.G. Ramachandran, Sr. Advocate, GUVNL, Haryana and Rajasthan Utilities
Ms. Ranjitha Ramachandran, Advocate, GUVNL, Haryana and Rajasthan Utilities
Ms. Anushree Bardhan, Advocate, GUVNL, Haryana and Rajasthan Utilities
Ms. Srishti Khindaria, Advocate, GUVNL, Haryana and Rajasthan Utilities
Shri Anup Jain, Advocate, MSEDCL
Shri Ajay Kapoor, CGPL
Shri Abhay Kumar, CGPL
Shri Prasad Bagade, CGPL
Shri S. K. Nair, GUVNL



Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned counsel for the Petitioner submitted that present Petitions have been re-listed for hearing pursuant to the judgment of Appellate Tribunal for Electricity (in short, 'the Appellate Tribunal') dated 27.4.2021 in Appeal Nos. 172/207 and 154/2018, wherein APTEL has allowed various Change in Law events except expenses related to Corporate Social Responsibility, in favour of the Petitioner and remanded the matter to this Commission for passing necessary consequential order. Learned counsel further submitted that the Petitioner has filed IA No. 53/2021 in Petition No. 157/MP/2015 for placing on record the aforesaid judgment of APTEL along with all available data for the purpose of quantifying compensation claims and that the Petitioner will also file similar IA in Petition No. 121/MP/2017. Learned counsel sought liberty to place on record his note of submissions.

3. Learned senior counsel for the Respondent, GUVNL submitted that the Respondent has already filed its reply to IA No. 53/2021. Learned senior counsel further submitted that with regard to impact of service tax, the Petitioner has furnished the auditor certificate in a consolidated manner for all the services. However, the Petitioner may be directed to provide splitting of such services along with corresponding impact. It was submitted by the learned senior counsel that in the aforesaid judgment, APTEL has rejected the claim of the Petitioner for computation of coal for coal based levies on the basis of bid parameters. However, the Petitioner ought to have considered the actual coal quantum subject to the coal quantum as per the parameters specified in the Commission's Tariff Regulations as held by the Appellate Tribunal in various other decisions. It was also pointed out by learned senior counsel that the Appellate Tribunal has considered the aspects in Appeal No. 172/2017 which relates to Petition No. 157/MP/2015 for the period from 2012 to 2015. However, subject to his instructions, the Change in Law claims of the Petitioner beyond 2015 may also be taken into consideration.

4 In response, learned counsel for the Petitioner submitted that in the aforesaid judgment, APTEL has clearly held that the compensation for Change in Law has to be on actual basis.

5. Learned counsels for the Respondents, Haryana and Rajasthan Utilities, Maharashtra State Electricity Distribution Company Limited and Punjab State Power Corporation Limited sought time to file reply to the IAs.

6. After hearing the learned senior counsel and learned counsels for the parties, the Commission directed the Petitioner to file the IA in Petition No. 121/MP/2017 within a week with copy to the Respondents. The Respondents were directed to file their response on both the IAs, if any, by 20.8.2021. The Petitioner was also permitted to file its note of submissions in the both matters within two days.

7. Further, after taking into account the suggestions of learned senior counsel for GUVNL and learned counsel for Petitioner regarding reconciliation of the claims, the Commission directed the Respondent, GUVNL to call for the requisite details/ information from the Petitioner after taking into the account the details/ information

already furnished along with IAs by way of a letter or by convening a meeting. Accordingly, the Petitioner shall provide all such details/ information, wherever possible. In case of disagreement over any such details/ information, the matter may be brought to notice of the Commission during the next course of hearing.

8. The Petitions along with IAs shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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