

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Review Petition No. 20/RP/2020 in Petition No. 446/MP/2019

Subject : Review Petition No. 20/RP/2020 seeking review of order dated 23.4.2020 in Petition No. 446/MP/2019

Review Petitioner : Haryana Power Purchase Centre (HPPC)

Respondents : Sasan Power Ltd.(SPL) and 13 Ors.

Review Petition No. 25/RP/2020 in Petition No. 446/MP/2019

Subject : Review Petition No. 25/RP/2020 seeking review of order dated 23.4.2020 in Petition No. 446/MP/2019

Review Petitioner : Rajasthan Urja Vikas Nigam Limited(RUVPNL)

Respondents : Sasan Power Limited and Ors. (SPL)

Date of Hearing : 20.7.2021

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

Parties Present : Ms. Ranjitha Ramachandran, Advocate, HPPC & RUVNL
Ms. Srishti Khindaria, Advocate, HPPC & RUVNL
Shri Mansoor Ali Shoket, Advocate, TPDDL
Shri Kunal Singh, Advocate, TPDDL
Ms. Shefali Sobti, TPDDL

Record of Proceedings

The matters were heard through video conference.

2. Learned counsel appearing for HPPC and RUVNL in Petition No.20/RP/2020 and Petition No.25/RP/2020 respectively sought clarifications on following in the order dated 23.4.2020 in Petition No. 446/MP/2019: (i) Allowance of O&M Expenses at 2% of the capital cost, (ii) Opportunity cost (iii) Expenses towards Project Management and Engineering Services and (iv) Mechanism for compensation. She submitted that the Commission ought to have relied on the quantification provided by the CEA in case of CGPL for the O&M Expenses at 2% of the base cost. As regards the opportunity cost, the learned counsel for the Review Petitioner submitted that there is an uncertainty as the Commission has held that it is not considering the opportunity cost at this stage. However, it has been held that same would be



considered on actual number of days subject to certain conditions. She submitted that the Commission has not considered the issues and objections of the Procurers with regard to opportunity cost. The learned counsel for the Review Petitioner submitted that the Commission in the impugned order has rightly not considered the pre-operative expenses as there is no justification for the same. However, for the project management and engineering services, the Commission has allowed the expenses without any justification by SPL.

3. As regards a mechanism for compensation, the learned counsel for the Review Petitioner submitted that the Commission has already rejected the use of clause of 13.2(a) of the Power Purchase Agreement (PPA) which provides for compensation methodology during construction period. She further submitted that the Commission has already issued a staff paper and the Review Petitioner has made its observations/ comments in the staff paper and the same may be taken into consideration independent of any observation made in the impugned order. Therefore, the conclusions drawn in the instant impugned order should not be binding and conclusive on the parties.

4. The Commission after hearing the learned counsel for the Review Petitioner observed that the order dated 23.4.2020 in Petition No. 446/MP/2019 is clear and does not require any clarifications.

5. The Commission reserved the order in the matters.

By order of the Commission

sd/-
(V. Sreenivas)
Dy. Chief (Law)

