

CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi

Petition No. 300/MP/2018

Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Regulation 14(3)(ii) and Regulation 8(3)(ii) of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2014 and read with statutory framework governing procurement of power through Competitive Bidding and Article 10 and 13 of the respective Power Purchase Agreements, executed between GMR Kamalanga Energy Limited and its beneficiaries, seeking compensation on account of Change in Law events impacting revenues and costs during the Operating Period

Date of Hearing : 16.11.2021

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

Petitioner : GMR Kamalanga Energy Limited & Anr.

Respondents : Bihar State Power (Holding) Company Ltd. (BDPHCL) & ors.

Parties Present : Shri Venkatesh, Advocate, GMR
Shri Ashutosh K. Srivastava, Advocate, GMR
Ms. Mehak Verma, Advocate, GMR
Shri Jayant Bajaj, Advocate, GMR
Ms. Isnain, Advocate, GMR
Ms. Anushree Bardhan, Advocate, BSPHCL
Ms. Srishti Khindaria, Advocate, BSPHCL
Shri Shubham Arya, Advocate, HPPC
Ms. Poorva Saigal, Advocate, HPPC
Ms. Tanya Sareen, Advocate, HPPC
Shri Ravi Kishore, Advocate, PTC
Shri R.K Mehta, Senior Advocate, GRIDCO
Ms. Himanshi Andley, Advocate, GRIDCO
Shri Abhishek Jaiswal, GMR
Shri Karan Yambem, GMR
Ms. Preeti Kumari, BSPHCL
Shri Sukanta Panda, GRIDCO
Ms. Susmita Mohanty, GRIDCO
Shri Mahfooz Alam, GRIDCO



Record of Proceedings

Case was called out for virtual hearing.

2. The Petitioner had filed IA No.6/2020 for amending the petition and the same was allowed by the Commission vide RoP dated 25.2.2020 and the IA was disposed. Accordingly, the Petitioner filed amended petition on 27.7.2020.

3. The learned counsel for the Petitioner submitted that the bidding process for installation of the FGD system is in final stages and it is expected to be completed by January 2022. The details of the final award along with firmed-up hard cost will be placed on record by way of an affidavit after its finalisation. He submitted that the pleadings are not complete in the matter and the Respondents may be directed to file their reply to the amended petition.

4. Learned counsel appearing on behalf of Bihar Discoms submitted that the reply to the amended petition has been filed by it.

5. Learned counsel appearing on behalf of GRIDCO sought time to file reply to the amended petition.

6. Learned counsel appearing on behalf of Uttar Haryana Bijli Vitran Nigam Ltd. (UHBVNL) and Dakshin Haryana Bijli Vitran Nigam Ltd (DHBVNL), Respondent No. 2 and 3 respectively and learned counsel for GRIDCO submitted that CEA had directed the Petitioner to involve the stakeholders/ procurers in the process of bidding. The Respondents submitted that the direction of CEA has not been followed by the Petitioner.

7. The Commission directed the Petitioner to complete the process of award and place on record the final hard cost and the details of award on affidavit as soon as it is finalised. The Commission further directed the Petitioner to involve the stakeholders/ procurers in the process of bidding as per the directions of CEA and the stakeholders/ procurers may raise their concerns, if any, with the Petitioner. The Commission further directed the Petitioner to provide the following information on affidavit, along with the above said information, with an advance copy to the Respondents/ beneficiaries:

- a. Item-wise breakup of initial amount in the project cost allocated for environmental measures.
- b. The technology finalized for implementation of FGD. In case, the same was not identified, which technology was indicated in the NIT already issued.
- c. The Petitioner's communication with CEA along with relevant documents, including CEA's letter dated 25.3.2019.

8. The Respondents to file their reply, if any, to the information to be filed by the Petitioner within 15 days of receipt of the same. The Commission observed that no further extension of time will be allowed and directed the parties to comply with the specified timeline.

9. The matter shall be listed for hearing in due course for which a separate notice will be issued.

By order of the Commission
sd/-
(V. Sreenivas)
Deputy Chief (Law)

