

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 366/MP/2019**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 and Article 10 of the Power Purchase Agreement dated 1.11.2013 entered into between the Petitioner and the Respondents, seeking approval of the cost to be incurred by the Petitioner on account of change in law, for installation/retrofit of Electrostatic Precipitators (ESP), installation of Flue Gas Desulphurisation (FGD), installation of low NOx burners, providing Over Fire Air (OFA) and any other measures for compliance of the notification dated 7.12.2015 issued by the Ministry of Environment, Forests and Climate Change, Government of India in respect of Thermal Power Plants installed/commissioned after 1.1.2003 and before 31.12.2016.

Date of Hearing : 27.8.2020

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

Petitioner : D B Power Limited (DBPL)

Respondent : PTC India Limited (PTC) and 4 Ors.

Parties present : Shri Sajan Poovayya, Sr. Advocate, DBPL  
Shri Deepak Khurana, Advocate, DBPL  
Shri Tejasv Anand, Advocate, DBPL  
Ms. Swapna Seshadri, Advocate, Rajasthan Utilities  
Shri Anand Ganesan, Advocate, Rajasthan Utilities  
Shri Damodar Solanki, Advocate, Rajasthan Utilities  
Shri Sanjay Sen, Sr. Advocate, PTC  
Shri Ravi Kishore, Advocate, PTC  
Shri Rajashree Chaudhary, PTC  
Shri Vikash Adhia, DBPL  
Shri Ravi Shanker, PTC

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioner and the learned counsel for the Respondents, Rajasthan Discoms advanced extensive arguments in support of their contentions and reiterated the submissions made in their respective pleadings.



3. After hearing the learned counsels for the parties, the Commission directed the Petitioner to submit the following details/ information, on affidavit, by 19.2.2021:

(a) Note with respect to requirement of installing NOx control equipment at its generating station to meet the latest environmental norms;

(b) Detailed note on bidding (ICB or domestic) for award of different packages of FGD system (firm basis or escalation basis), number and names of the bidders which participated in the bid and name of the L-1 bidder/s with awarded cost of each package, if already awarded;

(c) Break-up of off-shore and on-shore hard cost claimed for FGD system;

(d) Basis of technology selection and cost claimed towards NOx control as well as the status of bidding process with respect to NOx control (Low NOx burners). In case cost has been discovered through competitive bidding process, submit the details of bidding process as indicated at sr. no. (b) above; and

(e) Change in relevant guidelines/ procedures regarding point of measurement of various effluents (i.e. at emission level) and methodology of measurement.

4. Based on the request of learned senior counsel and learned counsel for the parties, the Commission directed the parties to file their written submissions by 5.3.2021 with copy to the each other.

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

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Deputy Chief (Law)**

