

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 377/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 19.8.2013 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 : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)

Parties present : Shri Deepak Khurana, Advocate, DBPL
Shri Tejasv Anand, Advocate, DBPL
Shri B. Vinodh Kanna, Advocate, TANGEDCO
Shri Vikash Adhia, DBPL
Shri R. Krishnamoorthy, TANGEDCO
Shri R. Thambiraj, TANGEDCO

Record of Proceedings

The matter was heard through video conferencing.

2. At the outset, learned counsel for the Respondent, Tamil Nadu Generation and Distribution Corporation (TANGEDCO) sought two weeks' time to file reply to the Petition. Learned counsel submitted that he has been engaged recently by the Respondent and is yet to place his vakalatnama on record. Accordingly, the learned counsel prayed for deferment of the hearing.

3. Learned counsel for the Petitioner vehemently opposed the Respondent's request for adjournment to file its reply. Learned counsel submitted that vide Record of



Proceedings (RoP) for hearing dated 26.11.2019, the Respondent was given an opportunity to file its reply by 16.12.2019. However, the Respondent failed to do so and, thereafter, based on the Respondent's further request, the Commission vide RoP for hearing dated 27.2.2020, had granted the last opportunity to the Respondent, TANGEDCO to file its reply by 13.3.2020. Accordingly, learned counsel requested not to defer the matter and requested to reserve the same for order.

4. In response, learned counsel for the Respondent, TANGEDCO prayed that the Respondent may at least be granted an opportunity to place its reply on the record.

5. After hearing the learned counsels of the Petitioner and the Respondent, TANGEDCO, the Commission observed that the Respondent has failed to file its reply despite having been provided a number of opportunities. However, considering the request of the learned counsel for TANGEDCO, the Commission permitted the Respondent to file its reply/ written submission by 18.2.2021 with a copy to the Petitioner, who may file its rejoinder/ response thereon, if any, by 3.3.2021.

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

By order of the Commission

Sd/-

(T.D. Pant)

Deputy Chief (Law)

