

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 562/MP/2020

- Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Clause 4.7 of the Competitive Bidding Guidelines and Article 13 of the Power Purchase Agreements dated 7.8.2008 and 20.1.2009 entered into by Jhahhar Power Limited with Uttar Haryana Bijli Vitran Nigam Limited, Dakshin Haryana Bijli Vitran Nigam Limited and Tata Power Trading Company Limited respectively in relation to seeking compensation for decrease in revenues and increase in the costs as a result of Change in Law events.
- Date of Hearing : 6.4.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Jhajjar Power Limited (JPL)
- Respondents : Uttar Haryana Bijli Vitran Nigam Limited and 2 Ors.
- Parties Present : Shri Sajjan Poovayya, Sr. Advocate, JPL
Shri Shashwat Kumar, Advocate, JPL
Shri Pratibhanu Kharola, Advocate, JPL
Shri Rahul Chouhan, Advocate, JPL
Shri Deepto Roy, Advocate, JPL
Shri Dnyanraj Desa, Advocate, JPL
Ms. Anushree Bardhan, Advocate, Haryana Utilities
Shri Venkatesh, Advocate, TPTCL
Shri Rishub Kapoor, Advocate, TPTCL
Ms. Sudipta Ghosh, JPL
Ms. Bikita Kaur, JPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned senior counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking compensation on account of additional cost incurred/ to be incurred by the Petitioner due to occurrence of certain Change in Law events, namely, (i) electrification of its Railway sidings in terms of Railway Electrification Notifications, and (ii) increase in water rates in terms of Notification of Irrigation an Water Resources Department, Govt. of Haryana, along with the carrying cost thereon.
3. Learned counsel for the Respondents 1 and 2, Haryana Utilities, accepted the notices and requested four weeks' time to file reply to the Petition.



4. Learned counsel for the Respondent 3, Tata Power Trading Company Limited accepted the notice. Learned counsel further submitted that distribution licensee, Tata Power Delhi Distribution Limited (TPDDL) has not been made party to the Petition. Accordingly, the learned counsel requested that the Petitioner may be directed to implead TPDDL as party to the present Petition.

5. In response, learned senior counsel for the Petitioner sought liberty of the Commission to implead TPDDL as party to the Petition.

6. After hearing the learned senior counsel for the Petitioner and learned counsels for the Respondents, the Commission admitted the Petition and directed to issue notice to the Respondents. The Commission directed the Petitioner to implead TPDDL as party to the Petition and file revised memo of parties by 15.4.2021.

7. The Commission directed the Petitioner to serve copy of the Petition on the Respondents including TPDDL immediately, if not already served. The Respondents were directed to file their reply, if any, by 5.5.2021 with advance copy to the Petitioner, who may file its rejoinder, if any, by 20.5.2021. The due date of filing of reply and rejoinder should be strictly complied with.

8. The Petition 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)**