

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**IA No.80 of 2021
In Petition No. 405/MP/2019**

Subject : Application under Section 94 of the Electricity Act, 2003 read with Regulation 103A/114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Section 152 of Code of Civil Procedure Code, 1908 for clarification/ rectification of order dated 22.3.2021.

Date of Hearing : 21.12.2021

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

Applicant : Haryana Power Purchase Centre (HPPC)

Parties Present : Ms. Pavitra Balakrishnan, Advocate, HPPC
Shri Vishrov Mukerjee, Advocate, GKEL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Applicant submitted that the present Interlocutory Application (IA) has been filed seeking clarification/ rectification of the order dated 22.3.2021 in Petition No. 405/MP/2019 (GMR Kamalanga Energy Limited and Anr. v. Dakshin Haryana Bijli Vitran Nigam Ltd. and Ors.), in particular paragraph 21 of the said order, whereby the Commission has held that the Petitioner therein shall be entitled to receive the entire amount claimed for transportation of fly ash within 100 km radius. The learned counsel submitted that in terms of the various notifications issued by the Ministry of Environment, Forest and Climate Change ('MoEF&CC'), the Petitioner/ thermal generating station was mandated to attain 100% ash utilisation by 2014 and that the failure of the Petitioner to comply with the statutory obligation of utilization of fly ash and the cost incurred on account of the same could not have been passed on to the Haryana Utilities.

3. Learned counsel for GMR Kamalanga Energy Limited submitted that the present application is a review in the garb of the clarification/ rectification application and, thus, ought not to be allowed. Learned counsel submitted that the Commission in its order dated 21.2.2018 in Petition No. 131/MP/2016 has held the Notification of MoEF&CC as Change in Law, which has not been challenged by the Applicant. Learned counsel further submitted that the Applicant is deliberately attempting to create confusion between the requirement of ash utilisation and the cost towards transportation of fly ash, which was imposed upon the thermal generating station vide MoEF&CC Notification dated 25.1.2016.

4. After hearing the learned counsels for the parties, the Commission reserved the order on 'admissibility' of the matter.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**