

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 88/MP/2021

- Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 for claiming compensation due to levy of charges of transportation of fly ash as per the terms of Power Purchase Agreement dated 1.11.2013 (PTC-PPA) executed between the Petitioner and the Respondent No. 5 and as per the terms of the back to back Power Purchase Agreement executed by PTC with Jaipur Vidyut Vitran Nigam Limited (“JVVNL”), Ajmer Vidyut Vitran Nigam Limited (“AVVNL”), Jodhpur Vidyut Vitran Nigam Limited (“JVVNL”) dated 1.11.2013 read with paragraphs 147 and 148 of the order dated 25.9.2019 passed by this Commission in Petition No. 116/MP/2018.
- Date of Hearing : 13.7.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Maruti Clean Coal and Power Limited (MCCPL)
- Respondents : Jaipur Vidyut Vitran Nigam Limited and 6 Ors.
- Parties Present : Shri Matrugupta Mishra, Advocate, MCCPL
Ms. Ritika Singhal, Advocate, MCCPL
Shri Vignesh Srinivisan, Advocate, MCCPL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, for determination of compensation on account of expenditure incurred towards transportation of fly ash along with carrying cost thereon in terms of liberty granted by the Commission in order dated 25.9.2019 in Petition No. 116/MP/2018, wherein the Commission held that the additional cost towards transportation of fly ash pursuant to the Notification dated 25.1.2016 issued by Ministry of Environment, Forest and Climate Change is admissible under Change in Law and made the admissibility of its claims subject to furnishing of certain information/ details as stipulated in the order dated 19.12.2017 in Petition No. 101/MP/2017.
3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:
- a) Admit. Issue notice to the Respondents;
 - b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if

any, by 30.7.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any by, 16.8.2021;

- c) The Petitioner to file the following information, on affidavit, by 30.7.2021:
- (i) Certified copy of statement from the entities to whom fly ash has been delivered, to the effect that they have not paid any cost towards fly ash and its transportation to the Petitioner;
 - (ii) Detail of quantum of fly ash supplied to each users, for each month;
 - (iii) Copy of agreement pertaining to supply of fly ash executed with users of fly ash;
 - (iv) Whether the Petitioner has maintained separate account to record revenue generated from fly ash sales?; and
 - (v) Action taken by the Petitioner for sale of fly ash along with documentary evidence.
- d) Parties to comply with above directions within the specified timeline and no extension of time shall be granted.

4. 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)**