

**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 for 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, Ajmer Vidyut Vitran Nigam Limited, Jodhpur Vidyut Vitran Nigam Limited (RVPN-PPA) dated 1.11.2013 read with paras 147 and 148 of the order dated 25.9.2019 passed by this Commission in Petition No. 116/MP/2018.
- 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
- 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
Ms. Swapna Seshadri, Advocate, Rajasthan Utilities
Shri Anand K Ganesan, Advocate, Rajasthan Utilities
Shri Ashwin Ramanathan, Advocate, Rajasthan Utilities

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, the learned counsel for the Respondents, Rajasthan Utilities prayed for additional time to file reply to the Petition.

3. The learned counsel for the Petitioner objected to the request made by the learned counsel for the Respondents and submitted that despite notice having been issued to Respondents on 13.7.2021, the Respondents have failed to file the reply. The learned counsel submitted that the present Petition has been filed for determination of compensation on account of expenditure incurred towards transportation of fly ash along with carrying cost in terms of liberty granted by the Commission in order dated 25.9.2019 in Petition No. 116/MP/2018, wherein the Commission has held that additional cost towards transportation of fly ash pursuant to Notification of Ministry of Environment, Forest and Climate Change dated 25.1.2016 is admissible under Change in Law. The learned counsel further submitted that the Petitioner has already furnished all requisite details in terms of the

order dated 25.9.2019 and accordingly, the Commission may pass an appropriate order. The learned counsel added that the Petitioner is facing severe financial difficulties and has already incurred an expenditure of approximately Rs. 50 crore towards transportation of fly ash.

4. In response, the learned counsel for the Respondents, Rajasthan Utilities submitted that matter may be reserved for order provided the Respondents be permitted to file their reply, which was agreed to by the learned counsel for the Petitioner.

5. Considering the submissions made by the learned counsel for the parties, the Commission directed the Respondents, Rajasthan Utilities to file their reply within two weeks with copy to the Petitioner, who may file its rejoinder thereon, if any, within two weeks thereafter.

6. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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