

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 121/MP/2022**

Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 read with Rule 3(8) of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 for claiming compensation on account of the event pertaining to change in law as per Article 10 of the Power Purchase Agreement dated 29.06.2012 read with Addendum I to PPA, dated 27.09.2017 executed between Petitioner and TANGEDCO for 200 MW Medium term power supply (PPA-I) and as per the terms of Power Purchase Agreement dated 23.08.2013 executed between the Petitioner and TANGEDCO for 400 MW long term power supply (PPA-II).

Date of Hearing : 22.9.2022

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

Petitioner : Jindal Power Limited (JPL)

Respondent : Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO)

Parties Present : Shri Matrugupta Mishra, Advocate, JPL  
Shri Vignesh Srinivasn, Advocate, JPL  
Shri Sanjeev S Thakur, Advocate, JPL

**Record of Proceedings**

The learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking compensation on account of occurrence of Change in Law event, namely, introduction of Evacuation Facility Charges @ Rs. 50 per Tonne of coal by Coal India Limited vide its Price Notification CIL:S&M:GM(f)/Pricing 2017/1005 dated 19.12.2017 w.e.f. 20.12.2017 as per Article 10 of (i) Power Purchase Agreement (PPA) dated 29.6.2012 read with Addendum I dated 27.9.2017 executed between the Petitioner and TANGEDCO for supply of 200 MW on medium-term basis (PPA-I), and (ii) Power Purchase Agreement dated 23.8.2013 executed between the Petitioner and TANGEDCO for 400 MW long-term power supply (PPA-II). The learned counsel further submitted the following:

(a) The Petitioner had earlier filed Petition No. 700/MP/2020 on the above subject matter which was disposed of by the Commission vide order 19.1.2022 directing the Petitioner to approach TANGEDCO for settlement of its Change in Law claims in terms of the Electricity (Timely Recovery of Costs Due to Change in Law) Rules, 2021 ('Change in Law Rules') and approach this Commission only in terms of Rule 3(8) of the said Rules.

(b) As per the aforesaid order, the Petitioner had approached TANGEDCO in terms of the Change in Law Rules and filed the present Petition in terms of Rule 3(8) of the Change in Law Rules.

(c) However, subsequently, in view of the judgment of Appellate Tribunal for Electricity dated 5.4.2022 in OP No. 1 of 2022 and Ors., the Commission vide order dated 14.6.2022 in Suo-Motu Petition No. 8/SM/2022 has restored the Petition No. 700/MP/2020, which is now listed for hearing on 29.9.2022 and accordingly, the present Petition may be tagged with Petition No. 700/MP/2020.

2. After hearing the learned counsel for the Petitioner, the Commission observed that since the Petition No. 700/MP/2020 filed by the Petitioner earlier on the identical subject matter has already been restored by the Commission vide order dated 14.6.2022 in Suo-Motu Petition No. 8/SM/2022, the present petition be tagged along with the Petition No. 700/MP/2020 listed for hearing on 29.9.2022.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioner to serve copy of the Petition on the Respondent and the Respondent to file its reply to the Petition, if any, on or before 25.9.2022 after serving copy of the same to the Petitioner, who may file its rejoinder by 26.9.2022.

(c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 29.9.2022 along with the Petition No. 700/MP/2020.

**By order of the Commission**

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