

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 240/MP/2019

Subject : Petition under Section 79(1)(b) of the Electricity Act, 2003 for claiming compensation on account of occurrence of 'Change in Law' event as per Article 10.1.1 of the Case -1 long-term Power Purchase Agreement dated 21.3.2013 entered into between GMR Warora Energy Limited and DNH Power Distribution Corporation Limited, thereby resulting into additional recurring/non-recurring expenditure to GMR Warora Energy Limited for supply of 200 MW Contracted Capacity from its 2x300 MW Thermal Power Station at Warora, Distt. Chandrapur in the State of Maharashtra to DNH Power Distribution Corporation Limited.

Date of Hearing : 22.8.2022

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

Petitioner : GMR Warora Energy Limited (GWEL)

Respondents : DNH Power Distribution Corp. Ltd. (DNHPDCL) and Anr.

Parties Present : Ms. Divya Chaturvedi, Advocate, GWEL
Shri Saransh Shaw, Advocate, GWEL
Ms. Anju Thomas, Advocate, GWEL
Shri Abanbi Mishra, GWEL
Shri Karan Yambem, GWEL
Shri Anand Ganesan, Advocate, DNHPDCL
Ms. Swapna Seshadri, Advocate, DNHPDCL
Ms. Suparna Srivastava, Advocate, PGCIL
Shri Tushar Mathur, Advocate, PGCIL
Ms. Soumya Singh, Advocate, PGCIL

Record of Proceedings

Case was called out for virtual hearing.

2. At the outset, learned counsel for the Petitioner submitted that after the detailed submissions made by the Petitioner and the Respondent, DNHPDCL, the matter had been reserved for order on 30.9.2021 and the parties had also filed their respective written submissions. However, in view of the notification of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules') by the Ministry of Power, Government of India, the Commission had re-listed the matter on 11.1.2022 and thereafter, vide order dated 18.1.2022 disposed of the matter directing the parties to settle the change in law claim in terms of the said Rules and to approach the Commission only in terms of Rule 3(8) thereof. Learned counsel submitted that in view of the observations of the Appellate Tribunal for Electricity in the judgment dated 5.4.2022 in OP No.1 of 2022 and Ors., with regard to the applicability of the Change



in Law Rules on the pending petitions, the Commission vide order dated 14.6.2022 in suo-motu Petition No. 8/SM/2022, *inter-alia*, restored the present Petition. Learned counsel submitted that since the pleadings in the matter are already complete and the parties have already argued the matter, the Commission may consider the same and pass an appropriate order in the matter.

3. Learned counsel for the Respondent, DNHPDCL submitted that the matter has already been argued and the Respondent has also filed its written submissions in the matter.

4. Considering the submissions made by the learned counsel for the parties, the Commission reserved the matter for order.

By order of the Commission

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