

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 513/MP/2020

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreements dated 7.8.2008 entered with Haryana Utilities, Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees dated 19.1.2005, amended from time to time and revised Tariff Policy 2016, seeking compensation due to certain change in law events.

Date of Hearing : 24.1.2022

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

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Anr.

Parties Present : Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Verma, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Aniket Ojha, Advocate, APMuL
Shri M. G. Ramachandran, Sr. Advocate, HPPC
Shri Shubham Arya, Advocate, HPPC
Ms. Poorva Saigal, Advocate, HPPC
Ms. Shikha Sood, Advocate, HPPC
Shri Krishna Rao, APMuL
Shri Mehul Rupera, APMuL
Shri Sameer Ganju, APMuL
Shri Malav Deliwala, APMuL
Shri Kumar Gaurav, APMuL
Shri Tanmay Vyas, APMuL
Shri Rahul Panwar, APMuL
Shri Hitesh Modi, APMuL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking compensation through tariff adjustment along with carrying cost on account of Change in Law events, namely, (i) levy of forest tax by Government of Chhattisgarh and South-Eastern Coal Fields Limited ('SECL') in the State of Chhattisgarh, (ii) levy of forest tax by Government of Madhya Pradesh and SECL in the State of Madhya Pradesh, (iii) increase in rate of Chhattisgarh Environment Cess and Infrastructure Development Cess by Government of Chhattisgarh and SECL, (iv) levy of evacuation facility charges by Coal India Limited and (v) levy of restriction on sulphur content in fuel oil in terms of MARPOL, after the cut-off date of the Project. It

was submitted by learned counsel submitted that except for the event at sl.no. (v) above, rest of the events have already been approved/ considered as Change in Law events by this Commission or Appellate Tribunal for Electricity in various earlier decisions. Learned counsel submitted that, in order to expedite the process, the Petitioner has also issued the Change in Law notice as required under the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 ('Change in Law Rules'). However, the Respondents have already disputed the aforesaid claims in their replies to the Petition.

3. Learned senior counsel for the Respondents submitted that the Respondents are in receipt of a notice from the Petitioner dated 15.1.2022 as per the Change in Law Rules and are in process of finalizing their response thereon. Accordingly, the learned senior counsel submitted that the matter may be adjourned for a month so that it can be dealt with along with the application of the Petitioner under Rule 3(7) of the Change in Law Rules.

4. Learned counsel for the Petitioner agreed to the submissions made by the learned senior counsel for the Respondents and submitted that depending upon the response of the Respondents, the Commission may take an appropriate view. Learned counsel suggested that since all the requisite details are already on the record and the pleadings in the matter having been completed, the present matter may be treated as Petition filed under Rule 3(7) of the Change in Law Rules and in case the Petitioner is directed to file a separate Petition, an exemption from the payment of court fees may be considered.

5. Considering the submissions made by the learned counsel for the Petitioner and the learned senior counsel for the Respondents, the Commission reserved the matter for order. The Commission further observed that the Petitioner is at liberty to file a proper Petition under Rule 3(7) of the Change in Law Rules after having followed the procedure prescribed therein and the office was directed to adjust filing fees in such Petition.

By order of the Commission

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