

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 700/MP/2020

Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 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).

Petitioner : Jindal Power Limited (JPL)

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

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).

Petitioner : Jindal Power Limited (JPL)

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

Date of Hearing : 29.9.2022

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

Parties Present : Shri Matrugupta Mishra, Advocate, JPL
Shri Nipun Dave, Advocate, JPL
Ms. Ritika Singhal, Advocate, JPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO

Record of Proceedings



Learned counsel for the Petitioner submitted that the present Petitions have 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)/Pricing2017/1005 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 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). Learned counsel further submitted that the Petition No. 700/MP/2020 filed by the Petitioner was disposed of by the Commission vide order dated 19.1.2022 in terms of Electricity (Timely Recovery of Costs Due to Change in Law) Rules, 2021 ('Change in Law Rules') and accordingly, the Petitioner, after following the process laid down in the Change in Law Rules, again approached this Commission by filing Petition No. 121/MP/2022. Learned counsel submitted that in the meanwhile, the Commission, in view of the judgment of Appellate Tribunal for Electricity dated 5.4.2022 in OP No. 1 of 2022 and Ors., also restored the earlier Petition No. 700/MP/2020 vide order dated 14.6.2022 in Petition No. 8/SM/2022. Learned counsel submitted that the Petition No. 700/MP/2020 had already been argued in detailed by both the sides and the parties have also filed their respective written submissions in the matter and accordingly, the Commission may pass the appropriate orders in the matters.

2. Learned counsel for the Respondent, TANGEDCO submitted that the written submissions filed by TANGEDCO in the Petition No. 700/MP/2020 may also be adopted in the Petition No. 121/MP/2022.

3. Considering the submissions made by the learned counsel for the parties, the Commission reserved the matters for order.

By order of the Commission

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