

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 700/MP/2020

Subject : Petition under Sections 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 29.6.2012 read with Addendum I to PPA dated 27.9.2017 executed between the Petitioner and TANGEDCO for 200 MW Medium term power supply (PPA-I) and as per the terms of the Power Purchase Agreement dated 23.8.2013 executed between the Petitioner and TANGEDCO for 400 MW long term power supply (PPA-II).

Date of Hearing : 11.1.2022

Coram : Shri P. K. Pujari, Chairperson
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 Limited (TANGEDCO)

Parties Present : Shri Matrugupta Mishra, Advocate, JPL
Ms. Ritikka Singhal, Advocate, JPL
Shri Vignesh Srinivasan, Advocate, JPL
Shri Sanjeev Thakur, Advocate, JPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bholra, Advocate, TANGEDCO

Record of Proceedings

Order was reserved in the matter. However, consequent upon issuance of Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021 (in short 'the Change in Law Rules') by the Ministry of Power, Government of India providing for a procedure dealing with the Change in Law cases, the matter is re-listed.

2. During the course of hearing, the learned counsel for the Petitioner submitted that the matter had been argued in detail and was reserved for order on 11.11.2021. Pursuant thereto, both the parties have also filed their respective written submissions in the matter. He further added that if the Petitioner is asked to follow the Change in Law Rules at this stage, it will only delay its claims. The learned counsel submitted that for the Change in Law involved in the matter i.e. introduction of Evacuation Facility Charges @ Rs. 50/MT of coal by Coal India Limited vide its Price Notification dated 19.12.2017, the Petitioner had issued notice to the Respondent along with all necessary details. The learned counsel further submitted that the said Change in Law event has already been allowed by this Commission in its various orders. The learned counsel added that if the Respondent were to compensate the Petitioner for the aforesaid Change in Law in terms thereof, it would have done so by now.

3. The learned counsel for the Respondent, TANGEDCO submitted that in the present case, the Respondent has, *inter alia*, taken an objection that the Petitioner did not comply with the requirement of timely issuance of Change in Law notice as specified in the PPA and has also filed its written submission on the above aspect. As regards the applicability of Change in Law Rules, the Commission may take an appropriate decision in line with the decision taken by the Commission in similarly placed cases.

4. After hearing 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)**