

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.101/MP/2017**

Subject : Petition under Section 79(1) (b) read with Section 79(1) (f) of the Electricity Act, 2003 inter alia seeking compensation on account of occurrence of 'Change in Law events' and/or Force Majeure events relating to Power Purchase Agreements both dated 01.11.2013 entered into between the Petitioner and the Respondents.

Date of Hearing : **20.9.2023**

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

Petitioner : DB Power Limited (DBPL)

Respondents : PTC India Limited (PTCIL) and 6 Ors.

Parties Present : Shri Deepak Khurana, Advocate, DBPL  
Ms. Nishtha Wadhwa, Advocate, DBPL  
Shri Paramhans Sahani, Advocate, PTCIL  
Shri Aashish Anand Barnard, Advocate, PTCIL  
Ms. Swapna Seshadri, Advocate, RUVNL  
Shri Paritosh Bisen, Advocate, RUVNL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present matter has been remanded back to the Commission by the Appellate Tribunal for Electricity (APTEL) in terms of its order dated 25.7.2023 in Appeal No. 253 of 2018 filed by the Petitioner being aggrieved by the Commission's order dated 19.12.2017 in the matter. Learned counsel further referred to the said order of the APTEL and submitted that, as per the scope of remand, the Commission is required to determine the compensation which the Petitioner is entitled to towards (i) actual Station Heat Rate (SHR), subject to the SHR prescribed in the applicable Tariff Regulations, (ii) rate of carrying cost, (iii) development surcharge on coal, and (iv) increase in VAT, Entry Tax, Niryat Kar on account of an increase in various levies such as NMET, DMF, etc. Learned counsel, accordingly, sought liberty to file an additional affidavit in the matter to place on record the detailed computation of its compensation claims as per the above.

2. Learned counsel for the Respondents, PTCIL, and the Rajasthan Discoms sought liberty to file their response to the aforesaid additional affidavit of the Petitioner.

3. Considering the above, the Commission permitted the Petitioner to file its additional affidavit, placing on record its submissions/computation of claims in terms of the order of APTEL dated 25.7.2023, within three weeks. The Commission also permitted the Respondents to file their submissions thereon, if any, within three

weeks with a copy to the Petitioner, who may file its rejoinder, if any, within two weeks.

4. Subject to the above, the Commission reserved the order in the matter.

**By order of the Commission**

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