

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 202/MP/2022**

Subject : Petition under section 62(a) and 79(1)(a) of the Electricity Act,2003 read with Regulation 8(3)(ii) and 8(7) of the CERC (Terms and Conditions of Tariff) Regulations, 2014 read with Regulation 111 of CERC (Conduct of Business) Regulations,1999 for recovery of additional expenditure, in Sipat STPS Stage-I (1980 MW) and Sipat Stage-II (1000 MW), incurred due to transportation cost of fly ash consequent to Ministry of Environment and Forest, Government of India Notification dated 25.1.2016 as change in law.

Petitioner : NTPC Limited

Respondents : MPPMCL and 6 others

Date of Hearing : **22.2.2023**

Coram : Shri I.S. Jha, Member  
Shri Pravas Kumar Singh, Member

Parties Present : Shri A.S. Pandey, NTPC  
Shri Vivek Kumar, NTPC  
Shri Ravi Sharma, Advocate, MPPMCL  
Shri Anup Jain, Advocate, MSEDCL

**Record of Proceedings**

During the hearing, the representative of the Petitioner submitted that the present petition has been filed for recovery of additional expenditure incurred due to transportation cost of fly ash consequent to Ministry of Environment and Forest, Government of India Notification dated 25.1.2016, as change in law event, and in terms of Commission's order dated 5.11.2018 in Petition No. 172/MP/2016, order dated 14.4.2022 in Petition No. 240/GT/2020 and order dated 29.5.2022 in Petition No. 452/GT/2020.

2. The learned counsel for the Respondent, MSEDCL mainly submitted that the Petitioner has not complied with the specific directions of the Commission in the orders referred above. He also submitted that the revision of the claim in terms of the audited certificate, has not been justified by the Petitioner.

3. The learned counsel for the Respondent, MPPMCL adopted the submissions of the Respondent MSEDCL. He also circulated written submissions in the matter and submitted that the MOEF&CC Notification dated 31.12.2021 has been issued in supersession of the MOEF Notification dated 14.9.1999 and the Petitioner has not given proper effect to the same. The learned counsel further submitted that the additional expenditure incurred towards fly ash brick plant, may be adjusted against the revenue earned by the Petitioner towards sale of fly ash, on prudence check. At the request of the learned counsel, the Commission permitted the Respondent to upload the written submissions.



4. In response, the representative of the Petitioner clarified that additional information/ directions of the Commission, has been complied with by the Petitioner.

5. The Commission, after hearing the parties, directed the Petitioner to submit following additional information on or before **10.4.2023** after serving copy to the Respondents:

- (a) *The details of competitive bidding process;*
- (b) *The process adopted selection of L-1;*
- (c) *The letter and the rate of award;*
- (d) *The quantum of ash transported by each awardee;*
- (e) *Work completion certificate and reconciliation with the claimed amount.*

6. The Respondents shall file their replies till **17.4.2023**, after serving copy on the Petitioner, who may, file its rejoinder, if any, by **5.5.2023**. The parties shall file submissions within the due dates mentioned and no extension of time shall be granted.

7. Subject to the above, order in the petition was reserved.

**By order of the Commission**

**Sd/-**

(B. Sreekumar)  
Joint Chief (Law)

