

# CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

## Petition No. 261/MP/2022

- Subject** : Petition under under Section 79(1)(b) of the Electricity Act, 2003 read with Article 10 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 along with Addendum No. 1 dated 20.12.2013 seeking an in-principle approval of the Additional Capital Expenditure to be incurred on account of installation of De-NO<sub>x</sub> System necessitated by a 'Change in Law' event i.e., Environment (Protection) Amendment Rules, 2015 dated 7.12.2015, Environment (Protection) Amendment Rules, 2018 dated 28. 6.2018, Environment (Protection) Amendment Rules, 2020 and Environment (Protection) Amendment Rules, 2021 issued by the Ministry of Environment, Forest and Climate Change read with the letter dated 1.10.2021 issued by Maharashtra Pollution Control Board.
- Date of Hearing** : 16.2.2023
- Coram** : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner** : Dhariwal Infrastructure Limited
- Respondents** : Tamil Nadu Generation and Distribution Corporation Limited
- Parties present** : Shri Sanjay Sen, Senior Advocate, DIL  
Ms. Divya Chaturvedi, Advocate, DIL  
Ms. Neha Dabral, Advocate, DIL  
Shri Jai Dhanani, Advocate, DIL  
Shri Saransh Shaw, Advocate, DIL  
Ms. Ruthelwin, Advocate, DIL  
Shri Aveek Chatterjee, DIL  
Shri Saikat Majumder, DIL  
Ms. Anusha Nagaranjan, Advocate, TANGEDCO

### Record of Proceedings

The instant petition is filed by Dhariwal Infrastructure Limited (DIL) seeking in-principle approval of the additional capital expenditure to be incurred on account of installation of De-NO<sub>x</sub> System necessitated by a "Change in Law" event i.e., Environment (Protection) Amendment Rules, 2015 dated 7.12.2015, Environment (Protection) Amendment Rules, 2018 dated 28.6.2018, Environment (Protection) Amendment Rules,



2020 and Environment (Protection) Amendment Rules, 2021 issued by the Ministry of Environment, Forest and Climate Change read with the letter dated 1.10.2021 issued by Maharashtra Pollution Control Board.

2. In response to a query of the Commission, the learned senior counsel for the Petitioner submitted that the Petitioner has already called for bids and it is expected to be finalized in two weeks.

3. After hearing the learned senior counsel for the Petitioner, the Commission directed as under:

(a) Admit the petition, issue notice.

(b) To implead all the beneficiaries of the generating station as Respondents in the matter and file the "Revised Memo of Parties". Serve a copy of the petition and other details on them and also to map them in the Commission's e-filing portal.

(c) Submit the details of the capital cost of the proposed De-NO<sub>x</sub> System discovered in the bidding process and the other details as provided under Regulation 29 of the 2019 Tariff Regulations on affidavit by 13.3.2023 with an advance copy to the Respondents.

(d) The Respondents to file their reply by 3.4.2023 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 18.4.2023.

4. The learned counsel for TANGEDCO present during the proceedings, accepted the Notice on behalf of TANGEDCO.

5. The Commission also directed the parties to comply with the directions within the specified timeline and observed that no extension of time will be granted.

6. The Petition shall be listed for further hearing on 27.4.2023.

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Joint Chief (Law)

