

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.264/MP/2023**

Subject : Petition under section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 for claiming for compensation due to levy of charges of transportation of fly ash as per the terms of Power Purchase Agreement dated 25.07.2013 executed between the Petitioner and the PTC India Limited and as per the terms of the back to back Power Purchase Agreement executed by PTC India Limited with Uttar Pradesh Power Corporation Limited on behalf of Paschimanchal Vidyut Vitran Nigam Limited, Purvanchal Vidyut Vitran Nigam Limited, Madhyanchal Vidyut Vitran Nigam Limited, Dakshinanchal Vidyut Vitran Nigam Limited dated 25.07.2013 read with Paras 155 and 156 of the order dated 12.06.2019 passed by this Commission in Petition No. 118/MP/2018.

Petitioner: TRN Energy Private Limited (TRNEPL)

Respondents: Paschimanchal Vidyut Vitran Nigam Limited and 7 Ors.

Date of Hearing : **20.12.2023**

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

Parties Present : Shri Matrugupta Mishra, Advocate, TRNEPL  
Shri Nipun Dave, Advocate, TRNEPL

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed for claiming the compensation due to levy of charges of transportation of fly ash in terms of the Power Purchase Agreement dated 25.7.2013 executed between the Petitioner and PTC India Limited and as per the terms of the back-to-back Power Purchase Agreement executed by PTC India Limited with Uttar Pradesh Power Corporation Limited on behalf of the Distribution Licensees of Uttar Pradesh dated 25.7.2013 read with paragraphs 155 and 156 of the Commission's order dated 12.6.2019 in Petition No. 118/MP/2018. Learned counsel further submitted that the Commission, by its order dated 12.6.2019 while disposing of Petition No. 118/MP/2018, has accepted in principle that charges incurred towards the transportation of fly ash are a Change in Law event. However, the Petitioner was granted the liberty to approach the Commission with all the relevant details/information, as indicated therein, for the determination of compensation. Accordingly, the present Petition has been filed by the Petitioner along with all the requisite details/information for the determination of the compensation. Learned counsel further indicated that total outstanding claims are in excess of Rs. 9 crores, and the Petitioner has prayed for an interim direction upon Respondents.

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit and issue notice to the Respondents.

(b) The Respondents to file their reply, if any, within eight weeks with a copy to the Petitioner, who may file its rejoinder, if any, within six weeks thereafter.

3. The Petition will be listed for the hearing on **10.4.2024**.

**By order of the Commission**

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