

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 302/MP/2022**  
**along with I.A.No. 49/2023**

**Subject** : Petition under section 79(1)(f) of the Electricity Act 2003 for (i) approval of Change in Law and (ii) seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to offset financial/commercial impact of change in law events on account of imposition of water tax in relation to Tehri HEP (1000 MW) and Koteshwar HEP (400 MW) read with the CERC (Terms and Conditions of Tariff) Regulations, 2019 and Order dated 12.7.2022 passed by Hon'ble High Court of Uttarakhand

**Petitioner** : THDC India Limited

**Respondents** : Rajasthan Urja Vikas Nigam Limited and 15 others

**Date of Hearing** : **13.9.2023**

**Coram** : Shri Jishnu Barua, Chairperson  
Shri I.S Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

**Parties Present** : Shri Tabrez Malawat, Advocate, THDC  
Shri Syed Hamza, Advocate, THDC  
Shri Sourajit Sarkar, Advocate, THDC  
Ms. Swapna Seshadri, Advocate, PSPCL  
Ms. Shivani Verma, Advocate, PSPCL  
Shri Venkatesh, Advocate, TPDDL  
Shri Shivam Kumar, Advocate, TPDDL  
Shri Ashutosh K. Srivastava, Advocate, TPDDL  
Ms. Shraddha Deshmukh, Advocate, Rajasthan Discoms  
Shri Sitesh Mukherjee, Advocate, UPPCL  
Shri Abhishek Kumar, Advocate, UPPCL  
Shri Karan Arora, Advocate, UPPCL  
Shri Buddy A. Ranganadhan, Advocate, BRPL & BYPL  
Shri Rahul Kinra, Advocate, BRPL & BYPL  
Shri Aditya Ajay, Advocate, BRPL & BYPL  
Ms. Isnain, Advocate, BRPL & BYPL



### **Record of Proceedings**

During the hearing, the learned counsel for the Respondent UPPCL submitted that in the Writ Petition filed by the Petitioner challenging the constitutional validity of the Uttarakhand Water Tax on Electricity Generation Act, 2012, before the Hon'ble High Court of Uttarakhand, the arguments have been completed and the Hon'ble Court has reserved its orders on 28.8.2023. He, therefore, submitted that the present petition may be adjourned and may be listed by the Commission after the decision of the Hon'ble High Court. Similar submissions were made by the learned counsels appearing for other Respondents.

2. The learned counsel for the Petitioner, while confirming that the Hon'ble High Court has reserved its orders on the said writ petition, prayed that since the pleadings are complete in the present petition, the Commission may reserve its orders in this petition. This was opposed by the learned counsels for the Respondents, who stated that the present petition is required to be heard finally.

3. The learned counsel for the Respondent, PSPCL, prayed that the interim order of the Commission dated 19.7.2023, directing the Petitioner not to take any coercive action against the Respondents till further orders, may be continued.

4. The Commission, after hearing the learned counsel for the parties, adjourned the hearing of the petition. The Petitioner is directed not to take any coercive action against the Respondents till further orders.

5. The Petition, along with the I.A., will be listed for hearing on **13.12.2023**.

**By order of the Commission**

**Sd/-**  
(B. Sreekumar)  
Joint Chief (Law)

