

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.338/MP/2022

Subject : Petition under Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 read with Article 14.3.1 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 read with Addendum No. 1 dated 20.12.2013, seeking refund of the amount wrongfully deducted by Tamil Nadu Generation and Distribution Corporation Limited along with the applicable Carrying Cost, towards the 'Change in Law' compensation payable to Dhariwal Infrastructure Limited for supplying 100 MW Contracted Capacity from Unit 2 of its 2 x 300 MW Coal based thermal generating station located at Tadali, Chandrapur in the State of Maharashtra to Tamil Nadu Generation and Distribution Corporation Limited.

Date of Hearing : 19.7.2023

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

Petitioner : Dhariwal Infrastructure Limited (DIL)

Respondent : Tamil Nadu Generation and Distribution Corp.Ltd. (TANGEDCO)

Parties Present : Ms. Divya Chaturvedi, Advocate, DIL
Ms. Srishti Rai, Advocate, DIL
Shri Rahul Mukherjee, DIL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TAGNEDCO

Record of Proceedings

At the outset, learned counsel for the Petitioner prayed for adjournment on the ground of the non-availability of the arguing counsel. Learned counsel further submitted that, subsequent to the filing of the Petition, there have been certain additional deductions by the Respondent, TANGEDCO. for the last financial year and the Petitioner may be permitted to place on record these developments by way of an additional affidavit.

2. Learned counsel for the Respondent, TANGEDCO. submitted that. by way of an additional affidavit, the Petitioner ought not to be permitted to bring out any new issue or extension of the prayers already made in the petition.

3. In response, learned counsel for the Petitioner clarified that the Petitioner would not be bringing out any new issue in the present case.

4. Considering the request of the learned counsel for the Petitioner, the Commission adjourned the matter. The Commission also permitted the Petitioner to file additional affidavit to bring on record the subsequent developments along with supporting documents, if any, within two weeks within copy to the Respondent, who may file its response thereon within two weeks thereafter. However, the Commission also clarified that in the event these developments, as sought to be brought out by the Petitioner have any impact/effect on the prayers made in the main Petition, the Petitioner will file a proper application for amendment to the pleadings instead of an additional affidavit within the timelines as already specified above.

5. The Petition shall be listed for hearing on **15.9.2023**.

By order of the Commission

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