

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.356/MP/2022

- Subject : Petition under Section 79(1)(f) of the Electricity Act 2003 seeking declaration/ approval of Change in Law events and compensation on account of increase in cost of power generation by MB Power (Madhya Pradesh) Limited due to mandatory blending of domestic coal with imported coal in compliance of the directives issued by Ministry of Power, Government of India, which constitute as Change in Law event in terms of Article 21 of the Agreement for Procurement of Power dated 18.5.2022.
- Date of Hearing : **3.8.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : MB Power (Madhya Pradesh) Limited (MBPMPL)
- Respondents : Haryana Power Purchase Centre (HPPC) and 2 Ors.
- Parties Present : Shri Akshat Jain, Advocate, MBPMPL
Shri Shubham Arya, Advocate, HPPC

Record of Proceedings

The matter was mentioned by the learned counsel for the Petitioner. Learned counsel submitted that the Petitioner has filed the Petition under Section 79(1)(f) of the Electricity Act, 2003 ('the Act') for declaration of Change in Law events and compensation on account of an increase in the cost of power generation due to the mandatory blending of domestic coal with imported coal in compliance with the directives issued by the Ministry of Power, Government of India. The matter was listed for hearing on 29.5.2023 and after hearing the parties at length, the Commission reserved the matter for order. However, keeping in view that the directives for mandatory blending have been issued by the Ministry of Power under Section 11(1) of the Act, the Petitioner may be permitted to suitably amend the Petition to include reference to Section 11 of the Act therein in order to avoid any procedural infirmity in the matter.

2. Learned counsel for the Respondent, HPPC, submitted that since the matter has already been reserved for the order, the Petitioner may be directed to file a proper application seeking amendment to the Petition. Learned counsel also sought liberty to file a response to such an application.

3. Considering the submissions made by the learned counsel for the parties, the Commission permitted the Petitioner to file an appropriate application for incorporating any amendment to the Petition within a week with a copy to the Respondents, who may file their response thereon, within two weeks with an

advance copy to the Petitioner who may file its rejoinder, if any, within a week thereafter.

4. The Commission further directed to re-list the matter along with the IA to be filed by Petitioner, for hearing on **8.9.2023**.

By order of the Commission

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