

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 302/MP/2022
along with IA 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 : **14.7.2023**
- 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
Shri Anand K Ganesan, Advocate, PSPCL
Shri Amal Nair, Advocate, PSPCL
Shri Buddy A. Ranganadhan, Advocate, BRPL & BYPL
Shri Rahul Kinra, Advocate, BRPL & BYPL
Shri Aditya Ajay, Advocate, BRPL & BYPL
Ms. Isnain Muzamil, Advocate BRPL & BYPL
Shri Venkatesh, Advocate, TPDDL
Shri Ashutosh K. Srivastava, Advocate, TPDDL

Record of Proceedings

During the hearing, the learned counsel for the Applicant, PSPCL (in IA No. 49/2023) submitted that THDC, pending adjudication of Petition No. 302/MP/2022, has raised supplementary invoices dated 1.5.2023 and 7.6.2023 seeking payment of water cess for Rs.13817817/- and Rs. 5679947/- respectively and had uploaded the said invoices on the PRAAPTI portal with the trigger date as 16.7.2023 and 22.8.2023. He also submitted that since the claims of THDC in the main petition, are yet to be finally adjudicated by the Commission, the recovery of the said amounts from beneficiaries at this stage is not in accordance with law. The learned counsel accordingly prayed that the Commission may stay the said supplementary invoices raised by THDC and also direct THDC to take down these invoices from PRAAPTI portal, pending final decision



in the matter.

2. The learned counsel for the Respondents BRPL & BYPL pointed out that THDC may not be permitted to raise invoices and upload the same in PRAAPTI portal, without the final adjudication of the petition, by the Commission.

3. The learned counsel for the Respondent TPDDL adopted the above submissions of PSPCL and BRPL.

4. The learned counsel for THDC, clarified that the invoices raised and uploaded in the PRAAPTI portal, is in line with the interim order dated 12.7.2022 of the Hon'ble High Court of Uttarakhand in the Special Appeal filed by THDC. In response, the learned counsel for the Respondents BRPL pointed out that the Hon'ble High Court had only directed THDC to commence payments of water tax dues from 1.8.2022, and there is no direction for recovery of the said amounts from the beneficiaries.

5. The learned counsel for THDC submitted that since pleadings have been completed by the parties in the main petition, which is listed for hearing on 19.7.2023, the IA may be listed along with the main petition (on top of the list) for final hearing by the Commission.

6. The Commission, after hearing the parties, directed THDC not to take any coercive action against the Respondents, till 19.7.2023. The Commission also directed the listing of IA along with Petition No.302/MP/2022 (on top of the Board) for final hearing on **19.7.2023**.

By order of the Commission

Sd/-

(B. Sreekumar)
Joint Chief (Law)

