

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.562/MP/2020

- Subject : Petition under Section 79(1)(b) and (f) of the Electricity Act, 2003 read with Clause 4.7 of the Competitive Bidding Guidelines and Article 13 of the Power Purchase Agreements dated 7.8.2008 and 20.1.2009 entered into by Jhahhar Power Limited with Uttar Haryana Bijli Vitran Nigam Limited, Dakshin Haryana Bijli Vitran Nigam Limited and Tata Power Trading Company Limited respectively in relation to seeking compensation for decrease in revenues and increase in the costs as a result of Change in Law events.
- Date of Hearing : 21.2.2023
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Jhajjar Power Limited (JPL)
- Respondents : Uttar Haryana Bijli Vitran Nigam Limited and 3 Ors.
- Parties Present : Ms. Mandakini Ghosh, Advocate, JPL
Shri M. G. Ramachandran, Sr. Advocate, HPPC
Shri Shubham Arya, Advocate, HPPC
Ms. Reeha Singh, Advocate, HPPC
Ms. Shikha Sood, Advocate, HPPC
Shri Nishant Talwar, Advocate, TPDDL
Shri Nitish Gupta, Advocate, TPDDL
Shri Jatin Ghuliani, Advocate, TPTCL
Shri Rishab Sehgal, Advocate, TPTCL
Ms. Bitika Kaur, JPL

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the Petitioner has moved IA No. 15/2023 seeking amendment of pleadings/prayers and bringing subsequent facts on record. Learned counsel submitted that subsequent to filing of the Petition, Haryana Water Resources Authority under Section 18 of the Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022 has issued the Notification dated 15.7.2022 vide which it revised and increased the bulk water tariff, *inter alia*, for plants and by virtue of this notification, the bulk water tariff rate for the Petitioner has increased to Rs. 20 per cubic meters from earlier Rs. 10 per cubic meter. Learned counsel further added that earlier, the Petitioner had also moved IA No.79/2021 seeking amendment to the pleadings/prayers to bring on record the Ministry of Railway's Amendment No.5 to Circular No.2018/TC/(FM)/14/04 dated 23.6.2020 by way of which private siding owner such as the Petitioner had been required to bear the additional costs towards



maintenance of Over Head Equipment. Learned counsel requested that both these IAs be allowed and the amended Petition may be taken on record.

2. In response to the specific query of the Commission with regard to the increase in water charges having already been disallowed as Change in Law event by this Commission as well as the Appellate Tribunal for Electricity in their earlier order(s), the learned counsel sought liberty to address this aspect while arguing the matter on merits.

3. Learned senior counsel for the Respondents, Haryana Utilities, submitted that IA No.15/2023 may be listed along with the Petition, but may not be allowed at this stage as the notice therein is yet to be issued. Learned senior counsel further added that keeping in view that the water charges have already been disallowed as Change in Law event such amendment bringing on record the subsequent increase of rates thereof may not be of much relevance. In response, learned counsel for the Petitioner added that while allowing the amendment application, the Court is as such not required to look into the merit aspects.

4. After hearing the learned counsel for the Petitioner and the learned senior counsel for the Respondents, the Commission permitted the Petitioner to file consolidated amended Petition upon affidavit, within a week after serving copy to the Respondents, who may file their reply thereon, if any, within three weeks with copy to the Petitioner, who may file its rejoinder, if any, within two weeks thereafter.

5. The Petition shall be listed for hearing on 4.5.2023.

By order of the Commission

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