

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 168/MP/2019**

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreement dated 22.4.2007 and Clause 4.7 of the Competitive Bidding Guidelines and this Commission's order dated 17.9.2018 in Petition No. 77/MP/2016.

Date of Hearing : **18.6.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri Ramesh Babu V., Member

Petitioner : Coastal Gujarat Power Limited (CGPL)

Respondents : Gujarat Urja Vikas Nigam Limited (GUVNL) and others

Parties Present : Shri Samikrith Rao, Advocate for the Petitioner  
Shri Kishan Rana, CGPL

**Record of Proceedings**

Learned counsel for the Petitioner submitted the instant matter has been remanded by the Appellate Tribunal for Electricity vide its judgment dated 14.5.2024 in Appeal No. 240 of 2022 for a fresh consideration on the limited aspect that the Commission permitted the pass-through of Change in Law impact towards the installation of FGD on the pro-rata basis on the capacity of 4000 MW instead of installed capacity of 4150 MW as had been claimed by the Petitioner. Learned counsel further sought liberty to file additional information/ details in this regard. Learned counsel also added that there has been a change in the name of the Petitioner Company and the Petitioner may be permitted to file an appropriate application to this extent within four weeks.

2. In view of the above submissions, the Commission acceded to the request of the Petitioner and permitted the Petitioner to file the additional information/details as well as an application to place on record the change in name within three weeks with a copy to the Respondents, who may file their responses, if any, within two weeks thereafter.

3. Keeping in view that the matter would invoke the adjudicatory function, as also acknowledged by the learned counsel for the Petitioner, the Commission, in view of the judgment of the Hon'ble Supreme Court in the State of Gujarat & Ors. v. Utility Users' Welfare Association & Ors. [(2018) 4 SCC 743], directed to list the matter after a coram having Member (Law) is available. Meanwhile, the Respondents may file their

submissions within two weeks, if any, with an advance copy to the Petitioner who may file its response thereof within a week thereafter.

4. The Petitioner was directed to submit on an affidavit within two weeks the following information along with the supporting documents in regards to Issue No. 3 as dealt with by the Commission vide order dated 22.6.2020 in Petition No. 168/MP/2019:

- (a) The Heat Balance Diagram of the plant envisaged for Installed Capacity of the Plant as 4000 MW considered at the time of bidding vis-à-vis the Heat Balance Diagram of the Plant actually commissioned with installed capacity of the Plant as 4150 MW.
- (b) How the Petitioner arrived at the calculation of a 30 MW higher rating for each unit (150 MW for the entire Plant) in 'Motor or Electrically Driven BFP' compared to 'Turbine Driven BFP'.
- (c) The rationale, backed by the supporting data, for the Petitioner's assertion that the expenditure for installing FGD system for installed capacity of 4000 MW 'Turbine Driven BFP' vis-à-vis that of 4150 MW 'Motor or Electrically Driven BFP' remains the same.
- (d) The rationale, backed by supporting data, for the Petitioner's assertion that the total auxiliary power consumption of the FGD remains the same in both the cases i.e. the Plant with installed capacity of 4000 MW 'Turbine Driven BFP' and 4150 MW 'Motor or Electrically Driven BFP'.

5. The Petition will be listed for the hearing on **25.7.2024**.

**By order of the Commission**  
**Sd/-**  
**(T.D. Pant)**  
**Joint Chief (Law)**