

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 190/MP/2024

Subject : Petition under Section 79, including Sections 79 (1)(b), 79 (1)(f) and 79 (1)(k) of the Electricity Act, 2003, read with Article 10 of the PPA dated 15.02.2016 executed between RKM Powergen Private Limited and the Uttar Pradesh Power Corporation Limited, seeking compensation on account of the occurrence of change in law events as enumerated under Article 10 of the above PPA.

Petitioner : RKMPPL

Respondent : UPPCL & anr.

Date of Hearing : **7.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Hemant Singh, Advocate, RKMPPL
Shri Abhishek Kumar, Advocate, UPPCL

Record of Proceedings

During the hearing 'on admission', the learned counsel for the Petitioner made oral submissions in support of its prayer in the Petition.

2. The learned counsel for the Respondent UPPCL, raised objections on the maintainability of the Petition and prayed for four weeks' time for filing its reply in the matter. The learned counsel for the Petitioner sought two weeks' time thereafter to file its rejoinder to the said reply.

3. The Commission, after hearing the learned counsel for the parties, directed as under:

(a) Issue notice to the Respondents, subject to 'just' exceptions;

(b) The Petitioner is directed to furnish the following additional information, after serving a copy to the Respondents on or before **30.10.2024**:

- i. The scope of work, competitive bidding details, awarded cost, break of actual cost (head-wise, soft cost and hard cost) incurred along with a copy of agreement for installation of the High Concentration Slurry Disposal (HCSD) System and the de-capitalization value of the existing system.*
- ii. Whether the Petitioner's change in law compensation amount has exceeded the minimum threshold of 1% of the LC in a contract year, as per the PPA provisions. If yes, provide the details of the LC amount and compensation amount, etc.*
- iii. The Chhattisgarh Environment Conservation Board vide renewal of consent issued dated 06.10.2016, mandated the installation of the HCSD system by 31.12.2016, but the system*



was installed and commissioned only on 14.02.2018. The reason for the delay in the installation of the HCSD system and any penalties imposed shall be furnished.

(c) The Respondents are permitted to file their replies, on or before **14.11.2024**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **28.11.2024**. Pleadings shall be completed by the parties by the due date mentioned.

4. The Petition will be listed for hearing on **5.12.2024**.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

