

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 301/MP/2024

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Rule 3 of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021, for directions to Haryana Power Purchase Centre to pay Change in Law compensation along-with Carrying Cost in terms of Order dated 20.01.2024 passed by this Hon'ble Commission in Petition No. 242/MP/2023.

Date of Hearing : **7.10.2024**

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

Petitioner : MB Power (Madhya Pradesh) Limited (MBPL)

Respondent : Haryana Power Purchase Centre (HPPC) and Ors.

Parties Present : Shri Amit Kapoor, Advocate, MBPL
Shri Akshat Jain, Advocate, MBPL
Shri Shikhar Verma, Advocate, MBPL
Shri Krishan Rana, Advocate, MBPL
Ms. Poorva Saigal, Advocate, HPPC
Shri Devyanshu Sharma, Advocate, HPPC

Record of Proceedings

Learned counsel for the Petitioner submitted the present Petition has been filed *inter alia* seeking directions to the Respondent HPPC to pay the Change in Law compensation along with carrying cost in terms of the Commission's order dated 20.1.2024 in Petition No. 242/MP/2023. Learned counsel further submitted that the Petitioner, MBPL, had carried out the reconciliation process with HPPC, and consequently, HPPC and MBPL have signed a reconciliation statement on 25.7.2024, wherein against MBPL's claim of Rs. 237,89,72,749/-, HPPC has reconciled to pay Rs. 168,70,16,845/-. However, the same is yet to be paid by HPPC. Learned counsel further pointed out that vide Record of Proceedings for the hearing dated 27.9.2024, the Commission had also directed the Respondents to explain the reason for non-payment of the admitted amount as per the reconciliation statement signed by the parties.

2. Learned counsel for the Respondent, HPPC, submitted that pursuant to the direction of the Commission vide Record of Proceedings for the hearing dated 27.9.2024, HPPC has filed its reply in the matter. Learned counsel further submitted that as per the order of the Commission dated 20.1.2024 read with the Change in Law Rules, 2021, the parties were directed to approach this Commission in terms of Rule 3(8) of the CIL Rules, 2021, after reconciliation based on the actual invoices and as such, there was no direction for the payment of any amount to the Petitioner. Learned counsel further added that insofar as the prayers (b) and (c) are concerned, the aspects/issues involved therein are, as such, disputed by HPPC.

3. In response, learned counsel for the Petitioner submitted that since there lies no issue with regard to the reconciled/admitted amount of Rs. 168,70,16,845/- by HPPC, the Respondent, HPPC may be directed to pay such amount in terms of the reconciliation statement and whereas, the balance claims may be adjudicated by the Commission. Learned counsel also sought liberty to file a rejoinder in the matter.

4. Considering the submissions made by the learned counsels for the parties and keeping in view that the amount of Rs. 168,70,16,845/- has already been reconciled by the parties in terms of the signed reconciliation statement dated 25.7.2024, the Commission directed that pending adjudication of the disputed amount between the parties as per prayers (b) and (c), the Respondent, HPPC/Haryana Discoms to pay the entire reconciled amount of Rs. 168,70,16,845/- to the Petitioner within three weeks.

5. The Commission directed the Petitioner to file its rejoinder within four weeks.

6. The Petition will be listed for the hearing on **26.11.2024**.

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