

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 386/MP/2023

Subject : Petition under Regulation 22 of the CERC (Terms and Conditions of Tariff) Regulations, 2019 read with Regulation 9 (4) of the CERC (Terms and Conditions of Tariff) (Second Amendment) Regulations, 2021 seeking condonation of delay of 22.5 months in declaring COD of Talaipalli Coal Mine and approval of input price of coal to end use generating station (Lara STPS) for the period from COD i.e., 1.10.2023 to 31.3.2024.

Petitioner : NTPC Limited

Respondents : MPPMCL and 5 others

Date of Hearing : **19.9.2024**

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

Parties Present : Shri Venkatesh, Advocate, NTPC
Shri Anant Singh Ubeja, Advocate, NTPC
Shri Kunal Veer Chopra, Advocate, NTPC
Shri Ravi Sharma, Advocate, CSPDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that it had filed the additional information as sought by the Commission vide ROP of the hearing dated 13.3.2024. He also pointed out that the present Petition has been filed in terms of the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for Tariff) (Second Amendment) Regulations, 2021, wherein this Commission only has the jurisdiction to determine the input price of coal.

2. The learned counsel for the Respondent CSPDCL made oral submissions on 'the maintainability of the petition' on the grounds namely (i) Petition is barred by limitation, (ii) covered by the judgment of APTEL in Appeal No.309/2019 (iii) No notice of the force majeure event served (iv) No hedging of FERV and (v) COD of the Mines was achieved prior to the amendment of the Tariff Regulations and hence, the amended regulations cannot be applied retrospectively. He, however, prayed that the Respondent may be permitted to file its reply affidavit on the 'maintainability' of the petition.

3. The learned counsel for the Respondent, MSEDCL, also sought permission to file its objections on the 'maintainability' of the Petition. The learned counsel for the Petitioner submitted that it may be permitted to file its rejoinder to the said replies of the



Respondents.

4. The Commission, after hearing the parties, permitted the Respondents to file their objections on 'maintainability' and on 'merits', on or before **21.10.2024** after serving a copy to the Petitioner, who may file its rejoinder by **11.11.2024**.

5. Petition will be listed for hearing on **26.11.2024**.

By order of the Commission

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

