

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 74/MP/2023

Subject : Petition under Sections 79 of the Electricity Act, 2003 for claiming compensation on account of events pertaining to change in law in terms of the definition of “Change in Law” as provided under Article 26, read with Article 21 of the Agreements for Procurement of Power (APPs) executed between the Petitioner and the Respondents, and the supplementary agreements executed between the Petitioner and the Respondents.

Petitioner : Jindal India Thermal Power Limited

Respondents : Western Central Railways – Madhya Pradesh and 5 others

Date of Hearing : **20.3.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Hemant Singh, Advocate, JITP
Shri Lakshyajit Singh, Advocate, JITPL
Shri Harshit Singh, Advocate, JITPL
Shri Pulkit Agarwal, Advocate, Railways

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that in compliance with the directions of the Commission vide Record of Proceedings of the hearing dated 8.12.2023, the Petitioner has filed the details/information, as called for by the Commission, after serving a copy on the Respondents.

2. The learned counsel for the Respondent (Railways) sought six weeks’ time to file their reply to the details/information filed by the Petitioner. He also submitted that the Indian Railways, has filed an appeal before the Hon’ble Supreme Court, challenging the judgment of the APTEL denying Railways the status of a deemed distribution licensee and, therefore, the hearing of the present Petition may be postponed.

3. The learned counsel for the Petitioner prayed that the Petitioner may be permitted to file its rejoinder to the reply to be filed by the Respondent (Railways).

4. The Commission, after hearing the parties, directed the Petitioner to furnish the impact of different change in law events against each of the beneficiaries in the following format, for each year of the contract period 2016-17 till 2021-22, on or before **26.4.2024**:



Beneficiary / Change in law event	Krishi Kalyan Cess (Rs.)	Introduction of Evacuation Facility Charges (Rs.)	Surface Transportation Charges (Rs.)	Clean Energy / Environment / GST Compensation Cess (Rs.)	Total (Rs.)
West Central Railway – Madhya Pradesh					
West Central Railway – Rajasthan					
Northern Railway – Delhi					
Northern Railway – Haryana.					
Northern Railway – Uttar Pradesh					

5. The Respondents are permitted to file their replies on or before **15.5.2024** after serving a copy to the Petitioner, who may file its rejoinder, if any, by **10.6.2024**.

6. The Petition will be listed for hearing on **20.8.2024**.

By order of the Commission

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

