

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 80/MP/2024

Subject : Petition under Section 79(1)(b), 79(1)(f) and other applicable provisions of the Electricity Act, 2003 for adjudication of claims towards cost of Fly Ash Transportation and Carrying Cost for the Change in Law claims allowed in favour of the Petitioner and claim for Evacuation Facility Charges in terms of the provisions of PPA dated 26.2.2014 as amended on 23.1.2018; PPA dated 27.11.2013 and PPA dated 31.7.2012 as amended from time to time.

Date of Hearing : **28.8.2024**

Petitioner : KSKMPL

Respondents : MVVNL and 8 others

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

Parties Present : Ms. Swapna Seshadri, Advocate, KSKMPL
Shri Anand K. Ganesan, Advocate, KSKMPL
Shri Harshav Rao, Advocate, KSKMPL
Ms. Pooja Priyadarshini, Advocate, UPPCL
Shri Deeptanshu Chandak, Advocate, UPPCL

Record of Proceedings

At the outset, learned counsel for UPPCL submitted that being the nodal agency for the Respondent UP Discoms, it may be impleaded as a party respondent in the present case. Accordingly, the learned counsel requested that the Respondent UPPCL may be granted time to file its reply after being impleaded in the matter.

2. The learned counsel for the Petitioner undertook to amend the memo of parties in the petition after impleading UPPCL as a party respondent in the case and file the same within two weeks.

3. The learned counsel for the Respondent TANGEDCO also sought time to file its reply in the matter.

4. The Commission, while permitting the Petitioner to amend the memo of parties as aforesaid, directed the Petitioner to file the following additional information, on or before **25.9.2024**, after serving a copy to all the Respondents:



- (a) *Certified copy of the statement from the entities to whom fly ash has been supplied and utilized, to the effect that they have not paid any cost towards fly ash and its transportation to the Petitioner.*
- (b) *Scheduled rate (Rs / km / ton) notified by the Appropriate Government from time to time for transportation (for ash) and reasons for not furnishing the details of the same as directed in RoP dated 17.05.2024.*
- (c) *Whether the Petitioner has awarded the contract for transportation of fly ash through a transparent, competitive bidding process? If yes, furnish bid/tender documents along with the awarded rate (Rs / km / ton).*

5. The Respondents are permitted to file their replies on or before **17.10.2024** after serving a copy to the Petitioner, who may file its rejoinder, if any, by **31.10.2024**. Pleadings shall be completed by the parties by the due date mentioned.

6. The petition shall be listed for hearing on **7.11.2024**.

By order of the Commission

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

