

**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 Power Purchase Agreement dated 26.2.2014 as amended on 23.1.2018; Power Purchase Agreement dated 27.11.2013 and Power Purchase Agreement dated 31.7.2012 as amended from time to time.

Date of Hearing: **17.5.2024**

Petitioner: KSKMPL

Respondents: MVVNL and 8 anr.

Coram: Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P.K. Singh, Member

Parties present: Shri Anand K. Ganeshan, Advocate, KSKMPL  
Ms. Shivani Verma, Advocate, KSKMPL  
Ms. Kirti Soni, Advocate, KSKMPL

**Record of Proceedings**

During the hearing on 'admission', the learned counsel for the Petitioner, KSKMPL, submitted that the present petition had been filed seeking adjudication of the claims towards the cost of Fly Ash transportation, including the carrying cost for the change in law claims allowed to the Petitioner. He also clarified that the said claims had been made based on the liberty granted by the Commission in its earlier order, directing the Petitioner to file the claims along with relevant details. The learned counsel submitted that the relevant details with regard to the claims have been filed as directed by the Commission.

2. The Commission, after hearing the learned counsel for the Petitioner, directed as under:

- (a) Admit and issue notice to all the Respondents.
- (b) The Petitioner to submit the following additional information after serving a copy to the Respondents on or before **14.6.2024**:
  - (i) *Details of the competitive bidding process followed in awarding contracts for transportation of fly ash along with copy of the agreements / contracts made with concerned agencies.*
  - (ii) *Audited month-wise (w.e.f. 25.01.2016 to 30.09.2022), the total actual energy generated by the Plant, energy supplied to the long term and medium term beneficiaries, energy sold in short term/exchange, the quantity of ash produced, the*



quantity of ash transported, ash transportation distance, cost of transportation, bills raised against beneficiaries and the amount received in the following format :

Month	Total actual energy generated (MUs)	Energy supplied to long term / Medium Term Beneficiaries (MUs)	Energy Sold in Short term / exchange (MUs)	Ash produced (MT)	Ash transported (MT)	Transportation Charges (Rs.)	Distance (Km)	Bills / Invoices raised (Rs.)	Amount received (Rs.)
25.01.2016 to 31.01.2016									
01.02.2016 to 28.02.2016									
....									
01.12.2021 to 31.12.2021									
01.01.2022 to 31.01.2022									
.....									
01.09.2022 to 30.09.2022									

- (iii) Details of revenue generated through the sale of ash, interest accumulated in the ash fund statement of ash utilization fund, etc.
- (iv) Scheduled rate (Rs / km / ton) notified by the Appropriate Government from time to time for transportation of ash; and
- (v) Month-wise actual SHR, GCV of Coal, auxiliary energy consumption, specific oil consumption, etc, from December 2017 to September 2022.
- (vi) The OEM guaranteed Boiler Efficiency and Turbine Cycle Efficiency along with a copy of PG test reports.

(c) The Respondents are permitted to file reply, on or before **28.6.2024**, after serving a copy to the Petitioner, who may file its rejoinder by **19.7.2024**. Pleadings shall be completed by the parties by the due date mentioned.



3. The matter shall be listed for hearing on **23.8.2024**.

**By order of the Commission**

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

