

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.215/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2(b) of the Power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating Period.

Petitioner : Sasan Power Limited (SPL)

Respondents : MP Power Management Co. Ltd. (MPPMCL) and Ors.

Date of Hearing : **30.12.2024**

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

Parties Present : Shri Venkatesh, Advocate, SPL
Shri Ashutosh Srivastava, Advocate, SPL
Shri Shivam Kumar, Advocate, SPL
Shri Harshvardhan Jha, Advocate, SPL
Shri Aditya Singh, Advocate, MPPMCL
Shri Shubham Arya, Advocate, PSPCL & HPPC
Ms. Poorva Saigal, Advocate, PSPCL & HPPC
Ms. Reeha Singh, Advocate, PSPCL & HPPC
Shri Rishabh Saxena, Advocate, PSPCL & HPPC

Record of Proceedings

At the outset, learned counsel for Respondent No.1, MPPMCL, submitted that while the Petitioner may commence its submissions, the Respondent may be permitted another opportunity for an oral hearing due to the non-availability of the arguing senior counsel. In response, learned counsel for the Petitioner submitted that the matter has already been argued on maintainability as well as merits, and pursuant to the liberty granted by the Commission, the Petitioner has filed a Detailed Project Report for "Fly Ash Mixing with Over Burden Material in Mine Backfill at Moher and Moher Amlohri Extension Open Case Project," which *inter alia* also indicates the total cost required to be incurred by the Petitioner owing to the Change in Law events. Learned counsel further submitted that while the Respondents, HPPC, and PSPCL have filed their reply to the said DPR, the Respondent, MPPMCL, has not commented upon the said DPR. Learned counsel also added that, as such, the Petitioner has no objection if the Commission decides to proceed with the matter or defer the matter in view of the non-availability of arguing senior counsel for the Respondent, MPPMCL.

2. In response to the specific query of the Commission regarding enabling provisions in the PPA for the grant of in-principle approval of additional expenditure to be incurred on account of claimed Change in Law event(s), learned counsel for the Petitioner fairly

submitted that while there are no express provisions in the PPA in this regard, the Commission has, in the past, considered such dispensation in the matters arising out of the installation of FGD Units keeping in view the exorbitant cost required to be incurred by the generator(s) due to the Change in Law event.

3. Considering the submissions made by the learned counsel for the parties, the Commission deemed it fit to adjourn the matter and list it for the hearing in physical mode.
4. The Petition will be listed for hearing on **13.2.2025**.

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