

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.269/MP/2018 along with IA Nos. 22 & 26 of 2024

Subject : Petition under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's direction and dated 28.9.2017 in Petition No. 97/MP/2017.

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Ors.

Date of Hearing : **13.1.2025**

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

Parties Present : Shri Amit Kapur, Advocate, APMuL
Ms. Poonam Verma Sengupta, Advocate, APMuL
Shri Saunak Rajguru, Advocate, APMuL
Shri Subham Bhut, Advocate, APMuL
Shri Krisan Rana, Advocate, APMuL
Shri Kumar Gaurav, APMuL
Ms. Ashima Gupta, Advocate, HPPC
Shri K. Parmeshwar, Sr. Advocate, MSEDCL
Shri Anand Ganesan, Advocate, MSEDCL
Ms. Nikita Choukse, Advocate, MSEDCL
Ms. Himani Yadav, Advocate, MSEDCL
Shri Bipin Gupta, Advocate, Rajasthan Discoms
Shri Paramhans Sahani, Advocate, Rajasthan Discoms

Record of Proceedings

Learned counsel for the Petitioner submitted that the Petitioner has already complied with the directions issued by the Commission vide Record of Proceedings for the hearing dated 18.10.2024. However, insofar as mapping of Coal India Limited (CIL) on the e-filing portal is concerned, since CIL is not a registered entity, the Petitioner could not map it on the e-filing portal. Learned counsel further submitted that by the said Record of Proceedings, the Respondents were also directed to file their additional reply/affidavit, and coordinate with CIL for filing of its reply in regard to the information/data, if any, etc., within four weeks, i.e., by 15.11.2024. However, the Respondents, Haryana Discoms filed their affidavit belatedly only on 10.1.2025, wherein they have again requested direction to CIL and Indian Railways (IR) for providing the information. Learned counsel submitted that ample opportunities have already been provided to them to obtain the additional information they may require, and any such dilatory tactics on their part ought not be entertained.

2. At the outset, learned counsel for the Haryana Discoms indicated the non-availability of the arguing senior counsel for the Respondents in the matter. Learned counsel further submitted that insofar their affidavit dated 10.1.2025 is concerned, the Respondents, even after having repeatedly written to CIL and IR, including by way of Demi Official letter(s), have not been able to obtain the essential details/information from them as required for computing the effect of the IPT Scheme. The filing of their affidavit was delayed as they were awaiting a response from these authorities till the last moment, and since no response has been received, the Respondents are constrained to seek the necessary directions to these authorities for providing the requisite information. Learned counsel further submitted that the Petitioner's contention that the Railways be construed as the only mode of transportation for computing the effect of Change in Law in terms of the judgment of the Hon'ble Supreme Court dated 20.4.2023 is misconceived. The example of Railways in paragraph 33 of the said judgment was only by way of an illustration, and by no means can it be construed as exhaustive. Learned counsel submitted that the mode of transportation for MCL, SECL, and WCL cannot be restricted to Railways only since the effect of the IPT Scheme is on the cost of saving in the transportation of coal, which is irrespective of the mode by which the coal has been transported. By providing the information relating to the transportation of coal from MCL Talcher to Paradeep Port, Orissa only, the Petitioner has conveniently shown the savings in negative by comparing the landed cost of Kawai (Rajasthan) & Tiroda (Maharashtra) Plants with the landed cost at Paradeep Port for Mundra (Gujarat) instead of Mundra Plant.

3. In response to the specific query of the Commission regarding the details/information as already furnished by CIL to the Respondents, learned counsel submitted that the details furnished by the CIL vide its email dated 29.11.2023, highlight the various discrepancies, as already pointed out by the Respondents in their affidavit dated 29.1.2024. Learned counsel further referred to the said affidavit and pointed out that as per the said data, the Petitioner had lifted approximately 23,97,535 tonnes of extra coal against Haryana FSA for the period FYs 2013-14 to 2022-23 under the IPT scheme as against the quantum submitted by the Petitioner vide affidavit dated 6.9.2023. Also, the data submitted by CIL did not match with the certificates issued by MCL & SECL to the Respondents vide letters dated 14.2.2018 & 19.2.2018 in Petition No. 97/MP/2017.

4. Learned senior counsel for the Respondent, MSEDCL, also submitted that the Commission may consider passing specific directions to CIL and IR for providing the requisite information /details, as prayed for by Haryana Discoms in their affidavit, and the Respondents be permitted to make their submissions in the matter thereafter.

5. In response, the learned counsel for the Petitioner submitted the Hon'ble Supreme Court's judgment dated 20.4.2023 as a limited remand directing this Commission to compute the savings only in 'Railway Transportation cost' of linkage coal due to IPT. Pertinently, Misc. Application moved by the Respondents, Haryana Discoms seeking clarification on the scope of paragraphs 32 and 33 of the said judgment have been withdrawn by themselves and hence, they cannot be permitted to contend otherwise. Learned counsel further submitted that insofar as the discrepancies as being pointed out by the Respondents are concerned, the Petitioner has already furnished its response thereon in the Annexure to the affidavit dated 18.3.2024. Learned counsel, accordingly, submitted that the Petitioner has already

filed all the relevant information as required for the Commission to compute the savings in 'Railway Transportation cost' of linkage coal due to IPT of coal in terms of the Hon'ble Supreme Court's judgment dated 20.4.2023 vide its compliance affidavits.

6. After hearing the learned counsel for the parties, the Commission directed to list the matter for final hearing on **18.2.2025**.

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