

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.308/MP/2025

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 seeking declaration that the Notification dated 1.1.2024 of MoEF&CC is a Change in Law Event in terms of Article 10 of the Power Purchase Agreement dated 23.8.2013 read with Addendum dated 10.12.2013 executed with Tamil Nadu generation and Distribution Company Limited, and consequently allow the Petitioner to claim Change in Law compensation on account of additional expenditure incurred in terms of the said Change in Law event.

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondent : Tamil Nadu Generation and Distribution Company Ltd.

Date of Hearing : **22.4.2025**

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

Parties Present : Shri Hemant Singh, Advocate, BALCO
Ms. Supriya Rastogi, Advocate, BALCO
Shri Harshit Singh, Advocate, BALCO
Shri Indrayudh Chaudhary, Advocate, BALCO
Shri Jay Lal, Advocate, BALCO
Shri Arun Lal, Advocate, BALCO
Shri Pawan Singh, Advocate, BALCO
Shri Nishant Kumar, Advocate, BALCO

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed *inter alia* seeking declaration that the Ministry of Environment, Forest and Climate Change's Notification dated 1.1.2024 is a Change in Law event in terms of Article 10 of the Power Purchase Agreement dated 23.8.2013 read with the Addendum dated 10.12.2013 executed with Tamil Nadu Generation and Distribution Company Limited, and consequently allow the Petitioner to claim Change in Law compensation on account of additional expenditure incurred in terms of the said Change in Law event. Learned counsel further submitted that the Petitioner has also filed a similar Change in Law Petition being Petition No. 334/MP/2025 against Kerala State Electricity Board Limited and after its admission, the said Petition may be listed along with the present case.

2. Considering the submissions made by the learned counsel for the Petitioner, the Commission directed as under:

- (a) Admit and issue notice to the Respondents, subject to just exceptions;
- (b) The Respondents to file their respective replies, if any, within six weeks with a copy to the Petitioner, who may file its rejoinder, within six weeks thereafter.

3. The Petition will be listed for hearing on **17.7.2025**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)