

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 264/MP/2023

Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 for claiming compensation due to levy of charges of transportation of fly ash as per the terms of Power Purchase Agreement dated 25.07.2013 executed between the Petitioner and the PTC India Limited and as per the terms of the back to back Power Purchase Agreement executed by PTC India Limited with Uttar Pradesh Power Corporation Limited on behalf of Paschimanchal Vidyut Vitran Nigam Limited, Purvanchal Vidyut Vitran Nigam Limited, Madhyanchal Vidyut Vitran Nigam Limited, Dakshinanchal Vidyut Vitran Nigam Limited dated 25.7.2013 read with Paras 155 and 156 of the order dated 12.6.2019 passed by this Commission in Petition No. 118/MP/2018.

Petitioner : TRN Energy Private Limited (TRNEPL)

Respondent : Paschimanchal Vidyut Vitran Nigam Limited and Ors.

Date of Hearing : **13.5.2026**

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

Parties Present : Shri Matrugupta Mishra, Advocate, TRNEPL
Ms. Vanshika Saraf, Advocate, TRNEPL
Shri Nipun Dave, Advocate, TRNEPL
Shri Ravi Kishore, Advocate, PTCIL
Ms. Deepti Dash, Advocate, PTCIL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Karan Arora, Advocate, UPPCL

Record of Proceedings

At the outset, the learned counsel for the Petitioner, TRNEPL, submitted that the Petitioner has already completed the arguments in the matter and now, UPPCL has to argue. The learned counsel also submitted that, pursuant to the liberty granted *vide* the Record of Proceedings dated 3.3.2026, the Petitioner has also filed the compliance affidavit dated 12.3.2026 placing on record all the relevant details, including the additional

information/ clarification as sought in relation to the tendering process, award of contract to Refex Industries, compliance with MoP Guidelines, etc.

2. In response to the specific query of the Commission, the learned counsel for the Petitioner submitted that the Petition was filed in 2023, whereby the Petitioner had claimed recovery of Rs. 9.3 crore towards expenditure incurred on transportation of fly ash and pond ash during the period from 16.9.2022 to 11.5.2023, along with carrying cost and interest. He further submitted that the said expenditure has now increased to around Rs. 85 crore.

3. The learned counsel for the Respondent/UPPCL submitted that the Respondent has strong objections to the maintainability of the Petitioner's Change in Law claims, particularly, in the absence of any Change in Law notice by the Petitioner in respect of MoEFCC's 2021 Notification. On a query, the learned counsel also fairly stated that it would require some time to conclude the arguments.

4. However, due to a paucity of time, and to hear the reply and rejoinder arguments in one go, the Commission deemed it appropriate to take up the matter on a separate date. In the meantime, the Petitioner was directed to furnish the information/clarification, on an affidavit, within a week, with a copy to the Respondents, who may furnish their comments, if any, within a week thereafter, regarding the details and supporting documentary evidence regarding the award of contracts for transportation, loading, dozing and compaction works to various transporters/agencies, including Ashtech (India) Pvt. Ltd., Om Sarvaya Road Carrier, Navkar Global Infra, Singh Motors, Mangal Minerals, Global Impex and Modi Construction, indicating the bidding/tender process adopted, copies of NITs/tender documents, bids received, comparative statements, work orders, quantity and distance slabs awarded, along with end-user certificates, invoices, auditor certificates and proof of actual ash utilisation for each agency.

5. The matter remained part-heard and will be listed for further hearing on **23.7.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)