

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 302/MP/2022 along with I.A. No. 31/2025

Subject : Petition under section 79(1)(f) of the Electricity Act 2003 for (i) approval of Change in Law and (ii) seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to offset financial/commercial impact of change in law events on account of imposition of water tax in relation to Tehri HEP (1000 MW) and Koteswar HEP (400 MW) read with the CERC (Terms and Conditions of Tariff) Regulations, 2019 and Order dated 12.7.2022 passed by Hon'ble High Court of Uttarakhand.

Petitioner : THDC India Limited

Respondents : RUVNL and 15 others

Petition No. 153/MP/2025

Subject : Petition under Section 79(1)(f) of Electricity Act, 2003 seeking (i) quashing of supplementary invoice dated 15.11.2024 raised by NHPC Limited towards water tax (ii) directions to NHPC Limited restraining it from further raising supplementary bills for water tax upon UPPCL and uploading the same on PRAAPTI Portal and (iii) directions to Power Finance Corporation Limited/Grid Controller of India Limited to not regulate power with respect to UPPCL on account of default in payment of supplementary bill dated 15.11.2024.

Petitioner : UPPCL and 4 others

Respondents : NHPC and 2 others

Date of Hearing : **12.5.2026**

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

Parties Present : Shri Tabrez Malawat, Advocate, THDC
Shri Rahul Kinra, Advocate, BRPL & BYPL
Shri Aditya Ajay, Advocate, BRPL & BYPL
Ms. Mahima Kaur, Advocate, BRPL & BYPL
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Amal Nair, Advocate, PSPCL
Ms. Devyani Prasad, Advocate, PSPCL
Shri Venkatesh, Advocate, TPDDL
Ms. Priya Dhankhar, Advocate, TPDDL
Ms. Drishti Rathi, Advocate, TPDDL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Nived Veerapaneni, Advocate, UPPCL
Shri Karan Arora, Advocate, UPPCL



Ms. Shubham Mudgil, Advocate, UPPCL
Ms. Shraddha Deshmukh, Advocate, RUVNL
Shri Sanchit Singh, Advocate, RUVNL
Shri Kaustubh Khanna, Advocate, RUVNL
Shri Rajiv Shankar Dwivedi, Advocate, NHPC
Shri Sushant Sarkar, Advocate, NHPC
Ms. Snigdha Singh, Advocate, NHPC

Record of Proceedings

The matters were called out for hearing through a virtual mode.

2. At the outset, the learned counsels appearing for the parties submitted that the Hon'ble High Court of Uttarakhand, vide judgment dated 27.4.2026 in Special Appeal No. 149 of 2021 filed by THDC, has held the Uttarakhand Water Tax on Electricity Generation Act, 2012, as *ultra vires* to the Constitution.

3. The learned counsels appearing for the Respondents submitted that, in view of the above judgment, the present Petitions seeking approval of "Change in Law" reliefs have become infructuous. However, the learned counsel for the Petitioner, THDC, in Petition No. 302/MP/2022, submitted that the Petitioner may be permitted to place on record the said judgment with relevant details.

4. The learned counsel appearing for the Respondent, NHPC, in Petition No. 153/MP/2025, sought time to file its reply to place relevant information on record. The learned counsel for UPPCL requested time to file his response to the submissions of the Respondent, NHPC.

5. The Commission, after hearing the parties at length, directed as under:

Petition No. 302/MP/2022

- a) The Petitioner, THDC, to place on record the judgment of the Hon'ble High Court of Uttarakhand along with the relevant documents/details, on or before **12.6.2026**, after serving a copy on the Respondents, who may file their respective reply by **3.7.2026**;

Petition No. 153/MP/2022

- b) The Respondent, NHPC, shall file its additional submissions, in the wake of the judgment dated 27.4.2026 passed by the Hon'ble High Court of Uttarakhand in Special Appeal No. 149 of 2021, on or before **12.6.2026**, after serving a copy on the Petitioner, who may file its response by **3.7.2026**.

6. The Petitions shall be listed for hearing on **16.7.2026**.

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

