

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 80/MP/2024

Subject : Petition under Section 79(1)(b), 79(1)(f) and other applicable provisions of the Electricity Act, 2003 for adjudication of claims towards cost of Fly Ash Transportation and Carrying Cost for the Change in Law claims allowed in favour of the Petitioner and claim for Evacuation Facility Charges in terms of the provisions of PPA dated 26.2.2014 as amended on 23.1.2018; PPA dated 27.11.2013 and PPA dated 31.7.2012 as amended from time to time.

Petitioner : KSKMPL

Respondent : MVVNL and 8 others

Date of Hearing : **20.7.2026**

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

Parties Present : Shri Anand K Ganesan, Advocate, KSKMPL
Ms. Aishwarya Subramani, Advocate, KSKMPL
Ms. Harsha Rao, Advocate, KSKMPL
Shri Vaibhav Sharma, Advocate, KSKMPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO
Ms. Puja Priyadarshini, Advocate, UPPCL
Shri Kunal Kashyap, Advocate, UPPCL
Shri Rudrajit Ghosh, Advocate, AP Discoms

Record of Proceedings

The matter was called out for a hearing through a virtual mode.

2. At the outset, the learned counsel for the AP Discoms sought time to file a reply to the additional information submitted by the Petitioner. The learned counsel for the Respondents, TANGEDCO and UPPCL, submitted that they have already filed their replies on the merits.

3. After hearing the learned counsels for the parties, the Commission directed the Petitioner to furnish the following additional information, on or before **4.8.2026**, after serving a copy on the Respondents:

- a) *Complete particulars of each ash dispatch for which reimbursement of transportation charges is claimed, including (i) end-use certificate, (ii) proof of actual utilization of fly ash, (iii) quantity dispatched, (iv) distance from the generating station to the place of utilization, (v) mode of transportation, and (vi) supporting documents establishing that the dispatch falls within the reimbursable categories under the applicable*



Government notifications. The Petitioner will also specify whether the end users are Government agencies, Government construction projects, mine filling projects, or private entities, and furnish documentary evidence in support thereof.

- b) The documents and supporting material relied upon to demonstrate that the claim for reimbursement of fly ash transportation charges is consistent with the "least cost burden" principle envisaged under the applicable Government notifications.*
- c) Year-wise details of revenue generated from the sale of fly ash during the relevant period, along with supporting accounting records.*
- d) Clarification if the notices under Article 10.4 of the PPA were issued upon the occurrence of each alleged Change in Law event. If so, copies of such notices, proof of service, and supporting documents evidencing compliance with Article 10.4 shall be furnished. If not, explanation for the basis of the claim despite the absence of such notices.*
- e) Documentary evidence demonstrating compliance with the sequence prescribed under the applicable Government notifications governing fly ash utilization, including: (i) sale of fly ash through a transparent bidding process, where applicable; (ii) supply of fly ash free of cost where the end user bears the transportation cost; (iii) supply of fly ash free of cost with transportation cost borne by the thermal power plant, where applicable; and (iv) issuance of utilization notices to the specified agencies, together with copies of such notices and supporting records. Also, furnish the relevant documents establishing compliance with each stage of the prescribed sequence for the period for which reimbursement is claimed.*

4. The Respondents are permitted to file their respective replies to the above additional information, if any, on or before **18.8.2026**, after serving a copy on the Petitioner, who may file its rejoinder, if any, on or before **25.8.2026**.

5. The Petition shall be listed for hearing on **8.9.2026**.

By order of the Commission

Sd/-

(T. D. Pant)

Joint Chief (Law)

