



Petition No. 1655 of 2020

**BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Date of Order: 25-06-2021

PRESENT:

Hon'ble Shri Raj Pratap Singh, Chairman
Hon'ble Shri Kaushal Kishore Sharma, Member
Hon'ble Shri Vinod Kumar Srivastava, Member (Law)

IN THE MATTER OF

Petition on account of occurrence of 'Change in Law' events as per Article 13.1.1 of the Power Purchase Agreement (PPA) dated 26.09.2014 between Noida Power Company Limited and Dhariwal Infrastructure Limited for claiming additional recurring/non-recurring expenditure incurred by Dhariwal Infrastructure Limited for the supply of 187 MW of Power (Net Capacity - 170 MW after excluding Normative Auxiliary Power Consumption) from Unit 2 of the Generating Station located at Taladi, Chandrapur, Maharashtra to Noida Power Company Limited.

Dhariwal Infrastructure Limited (DIL),
Registered Office: CESC House,
Chowringhee Square, Kolkata - 700 001

..... **Petitioner**

AND

Noida Power Company Limited (NPCL),
Electric Sub-Station, Knowledge Park - IV,
Gautam Buddha Nagar, Greater Noida - 201 310

..... **Respondent**

The following were present:

1. Ms. Mandakini Ghosh, Advocate, DIL
2. Shri. Alok Sharma, Head - Legal, NPCL
3. Ms. Divya Chaturvedi, Advocate, NPCL
4. Ms. Srishti Rai, Advocate, NPCL
5. Shri Abhishek Anand, NPCL Representative



Order
(Date of Hearing: 17.06.2021)

1. Dhariwal Infrastructure Limited ("DIL/Petitioner") has constructed 2X300 MW coal fired Thermal Generating Station located at Taladi, Chandrapur, Maharashtra. Out of the net capacity of 273 MW from Unit II, 170 MW capacity (187 MW Gross Capacity) is contracted with Respondent (NPCL) in Uttar Pradesh through Long Term Purchase agreement "PPA" dated 26.09.2014. The said PPA was approved by the Commission vide its Order dated 15.01.2016 and 20.04.2016 passed in Petition No. 971/2014.
2. The Commission vide its Order dated 05.02.2019 in Petition No. 1235/2017 has approved tariff for the year FY 2016-17 to FY 2018-19 subject to provisions under Generation Tariff Regulations, 2014. The Commission had directed that any claim on account of 'Change in Law' would be dealt separately. DIL has filed the present petition for claiming compensation on account of occurrence of 'Change in Law' events as per Article 13.1.1 of the PPA between Petitioner (DIL) and Respondent (NPCL).

The matter came up for hearing today.

3. Ms. Divya Chaturvedi, Advocate, NPCL, requested the Commission for two weeks' time to file their replies in the matter. Whereas Ms. Mandakini Ghosh, Advocate, DIL, requested the Commission for one week time to file rejoinder on the replies in the matter.
4. The Commission allowed Respondent (NPCL) to file their replies in the matter and directed the Petitioner (DIL) to submit all relevant notifications for which 'Change in Law' is invoked. The Commission also allowed the Petitioner (DIL) to submit its rejoinder on the replies within one (1) week time from the date of submission of replies in the matter by the Respondent (NPCL).

List the matter on 05th August 2021.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 25.06.2021