



Petition No. 1655 of 2020
BEFORE
THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW

Date of Order: 09.08.2021

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. Shri Divyanshu Bhatt, Counsel Sh. Rama Shankar Awasthi, Consumer Representative

Order

(Date of Hearing: 05.08.2021)

1. The Commission vide its Order dated 25.06.2021 directed the Respondent (NPCL) to file their reply in the matter within two weeks' time. The Commission also directed the Petitioner (DIL) to submit all relevant notifications for which 'Change

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in Law' is invoked and to submit its rejoinder on the replies of Respondent within one week time thereafter.

The matter came up for hearing today.

2. Ms. Divya Chaturvedi, Advocate, NPCL and Ms. Mandakini Ghosh, Advocate, DIL during the proceedings of hearing submitted that in compliance of the aforesaid Order the reply / rejoinder have been submitted.
3. Shri Divyanshu Bhatt, Counsel of Shri. R. S. Awasthi, Consumer Representative submitted that an impleadment application has been filed in the matter. The Commission asked the Petitioner for any objection on it, against which Ms. Mandakini Ghosh, Advocate, DIL submitted that the Petitioner has no objection. The Commission allowed impleadment application of Sh. R.S. Awasthi. The Commission allowed impleadment application of Sh. R.S. Awasthi.
4. Further, the Commission directed the Petitioner to furnish a copy of Petition to Shri. R. S. Awasthi, Consumer Representative. On the request of Shri. Divyanshu Bhatt, Counsel of Shri. R. S. Awasthi and the Petitioner, the Commission granted three weeks' time to Shri. Divyanshu Bhatt, Counsel of Shri. R. S. Awasthi to file their reply in the matter and thereafter one week time to the Petitioner to file rejoinder on it.
5. The Commission also directed the Petitioner and Shri. R. S. Awasthi to follow the timelines in filing the aforesaid replies and rejoinder in the matter for timely disposal.

List the matter for next hearing on 14th September 2021

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 09.08. 2021