

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 636/MP/2020

- Subject** : Petition under Section 79(1)(b) of the Electricity Act, 2003 read with Article 10 of the Case-1 long-term Power Purchase Agreement dated 27.11.2013 along with Addendum No. 1 dated 20.12.2013 entered into between Dhariwal Infrastructure Ltd. and Tamil Nadu Generation and Distribution Corporation Ltd. for the supply of 100 MW Contracted Capacity from Unit 2 of its 2 x 300 MW Coal based thermal generating station located at Tadali, Chandrapur in the State of Maharashtra, seeking an in principle approval of the Additional Capital Expenditure to be incurred on account of installation of Limestone based Wet Flue Gas De-Sulphurization system necessitated by a Change in Law event i.e., Environment (Protection) Amendment Rules, 2015 dated 7.12.2015 and Environment (Protection) Amendment Rules, 2018 dated 28.6.2018 issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) read with the letter issued by Central Pollution Control Board dated 11.12.2017
- Date of Hearing** : 11.1.2022
- Coram** : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P.K. Singh, Member
- Petitioner** : Dhariwal Infrastructure Ltd. (DIL)
- Respondents** : Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
- Parties Present** : Shri Sanjay Sen, Senior Advocate, DIL
Ms. Mandakini Ghosh, Advocate, DIL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Aakanksha Bhola , Advocate, TANGEDCO
Ms. Srishti Rai, Advocate, DIL
Ms. Divya Chaturvedi, DIL
Shri Rabi Chowdhury, DIL
Shri Subir Kumar Saha, DIL
Shri Aveek Chatterjee, DIL

Record of Proceedings

Case was called out for virtual hearing.



2. The learned counsel for the Petitioner submitted that the finalisation of the tender could not take place as the bidding process failed and, therefore, re-tendering will take place. He further submitted that the whole process of re-tendering is likely to take at least 3 (three) to 4(four) months to complete and, accordingly, requested the Commission to keep the matter in abeyance till the finalisation of re-tendering process. He submitted that the Petitioner will also place on record the tender documents once the finalisation of tender takes place. He further submitted that as per the categorization done by CPCB Task Force, the installation of FGD is mandated to be completed by 31.12.2023.

3. The Commission initially agreed to the Petitioner's proposal to adjourn the matter. However, on reconsideration of the submissions made by the Petitioner, the Commission observed that as seen in many such cases, the completion of the process of tendering, award of contracts and furnishing the details of the capital cost to be recovered to the Respondents/ beneficiaries would take a minimum period of six months and that no purpose would be served by keeping the petition pending for such a long time. Therefore, the Commission is of the view that the petition may be disposed of and the Petitioner should file a fresh petition on completion of tendering process and award of contracts and after furnishing the details of the capital cost to be recovered to the Respondents/ beneficiaries. The Commission observed that filing fee paid towards the instant petition will be adjusted against the petition to be filed in this regard.

4. A separate order disposing of the matter will be issued.

By order of the Commission

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(V. Sreenivas)
Joint Chief (Law)

