

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 167/MP/2021**

- Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 inter alia seeking compensation on account of occurrence of 'Change in Law events' relating to Power Purchase Agreements dated 18.12.2013 and 19.12.2013 entered into between the Petitioner and the Respondents.
- Date of Hearing : 29.9.2022
- Coram : Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Petitioner : Adhunik Power and Natural Resources Limited (APNRL)
- Respondents : Tamil Nadu Generation and Distribution Corp. Ltd.  
(TANGEDCO) and Anr.
- Parties Present : Shri Deepak Khurana, Advocate, APNRL  
Shri Ashwini Kumar Tak, Advocate, APNRL  
Ms. Anusha Nagarajan, Advocate, TANGEDCO  
Ms. Aakanksha Bhola, Advocate, TANGEDCO

**Record of Proceedings**

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking compensation on account of occurrence of Change in Law events, namely, (i) levy of Jharkhand Covid-19 pandemic cess, (ii) levy of forest transit fee, (iii) coal terminal surcharge/terminal charge, and (iv) introduction of fly ash transportation cost in terms of Power Purchase Agreements dated 18.12.2013 and 19.12.2013 entered into between the Petitioner and the Respondents. Learned counsel submitted that earlier the petition had been disposed of by the Commission vide order dated 13.12.2021 at the admission stage in view of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021. However, in view of the judgment of Appellate Tribunal for Electricity dated 5.4.2022 in OP No.1 of 2022 and Ors., the Commission vide order dated 14.6.2022 in Petition No. 8/SM/2022 has restored the present Petition. Learned counsel accordingly requested to issue notice in the matter.

2. Learned counsel for the Respondent No.1 accepted the notice and sought time to file reply to the Petition.

3. After hearing the learned counsel for the Petitioner and the Respondent No.1, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition, if any, within three weeks after

serving copy of the same to the Petitioner, who may file its rejoinder within three weeks thereafter.

(c) The Petitioner to submit the following information on affidavit within three weeks:

(a) Details of competitive bidding process followed to award contracts for transportation of fly ash.

(b) Scheduled rate (Rs / km / ton) notified by the Appropriate Government from time to time for transportation of ash; and

(c) Audited month-wise (w.e.f. 26.10.2016 to 30.09.2022) total actual generation of the plant, energy supplied to Tamil Nadu through PTC under subject PPA, energy supplied to other beneficiaries, energy sold in Power Exchange, quantity of ash produced, quantity of ash transported, cost of transportation, distance, revenue generated through sale of ash, interest accumulated in ash fund and statement of ash utilization fund etc.

(d) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 22.12.2022.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**