

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 202/MP/2022

Subject : Petition under section 62(a) and 79(1)(a) of the Electricity Act,2003 read with Regulation 8(3)(ii) and 8(7) of the CERC (Terms and Conditions of Tariff) Regulations,2014 read with Regulation 111 of CERC (Conduct of Business)Regulations,1999 for recovery of Additional Expenditure, in Sipat STPS Stage-I(3x660 MW) and Sipat Stage-II (2x500 MW), incurred due to sharing of transportation cost of fly ash consequent to Ministry of Environment and Forest, Government of India Notification dated 25.1.2016 as Change in law, event and in terms of Order dated 5.11.2018 in Petition No. 172/MP/2016, Order dated 14.4.2022 in Petition No. 240/GT/2020 and Order dated 29.5.2022 in Petition No. 452/GT/2020.

Date of Hearing : **13.12.2022**

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Petitioner : NTPC Ltd.

Respondents : Madhya Pradesh Power Management Co. Ltd & 6 Ors.

Parties Present : Shri Anand Sagar Pandey, NTPC Ltd.
Shri Vivek Kumar, NTPC Ltd.
Shri Sameer Agrawal, NTPC Ltd.
Shri Vyom Chaturvedi, Advocate, MSEDCL
Shri Anup Jain, Advocate, MSEDCL

Record of Proceedings

During the hearing, the representative of the Petitioner submitted that the present petition has been filed seeking the reimbursement of net fly ash transportation expenditure, for Sipat STPS Stage-I and Sipat Stage-II, along with carrying cost, based on the MOEF&CC, notification dated 25.1.2016, as a change in law event. He also submitted that the Commission vide its order dated 5.11.2018 in Petition No. 172/MP/2016 read with order dated 14.4.2018 in Petition No. 240/GT/2020 and order dated 29.5.2022 in Petition No. 452/GT/2020 had granted liberty to the Petitioner to file separate petition to claim the said expenditure and accordingly, the present petition has been filed along with proper justification and relevant documents. Accordingly, the representative prayed that the relief prayed for in the petition may be allowed.

2. The learned counsel for the Respondent submitted that the reply filed by the Respondent, may be taken on record.



3. The Commission, after hearing the parties, ordered as under:
 - (a) Admit, issue notice to the Respondents;
 - (b) The Respondents shall file their replies on or before by **11.1.2023** and the Petitioner may file its rejoinder, if any, by **25.1.2023**.
 - (c) Parties shall complete their pleadings within the due dates mentioned and no extension of time shall be granted for any reason.
4. The matter shall be listed for hearing on **23.2.2023**.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)

