

**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 : 14.3.2023
- Coram : Shri Jishnu Barua, Chairperson
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 Ashwini Kumar Tak, Advocate, APNRL
Shri Amit Griwan, APNRL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO
Shri Ravi Kishore, Advocate, PTC
Shri Dhruv Tripathi, PTC

Record of Proceedings

Learned counsel for the Petitioner prayed for additional time to file its additional affidavit for furnishing the information/details as called for vide Record of Proceedings for the hearing dated 29.9.2022 and rejoinder to the reply filed by Respondent, TANGEDCO.

2. Learned counsel for the Respondent, TANGEDCO sought liberty to file its response on the additional information/details to be furnished by the Petitioner, if required.

3. Considering the request of the learned counsel for the Petitioner, the Commission permitted the Petitioner to file rejoinder within two weeks. The Commission directed the Petitioner to also file the following information on affidavit within three weeks:

(a) Details of notices served to the Respondents in terms of PPA w.r.t. each of claim made on account of Change in Law and reasons for lapses / deviations, if any.

(b) Details of coal linkages for the generating station i.e. coal mine, distance from plant and mode of transportation, etc,



(c) Quantity of coal received beyond 100 kms through railways during the period 22.8.2016 to 5.7.2017 and period between 27.12.2018 to 31.3.2021 along with supporting documents, including the charges paid to Railways on account of Coal Terminal Surcharge.

(d) Total quantity of coal received from Coal India Ltd, quantity of coal received from category I mine, quantity of coal received from category II mine, total quantity of coal received from category 3 mine, quantity of coal received from forest land of category 3 mine and quantity of coal received from non-forest land of category mine 3 during the period from 9.11.2020 to 31.3.2021 along with supporting documents.

(e) Quantity of coal received from the coal bearing area from 6.7.2020 to 31.3.2021 along with supporting documents.

(f) Details of computation (soft copy – excel file with links / formulae) of compensation claimed on account of Coal Terminal Surcharge, levy of forest transit fee, Covid-19 pandemic cess and fly ash transportation.

(g) Total generation of the generating station and energy supplied to the Respondent during the period of each claim made.

4. The Respondents are directed to file their response/comments on the additional details/information to be furnished by the Petitioner vide additional affidavit, if any, within two weeks thereafter.

5. The petition shall be listed for hearing on 22.6.2023.

By order of the Commission

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