

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.126/MP/2016  
alongwith I.A. 29/2016**

Subject : Petition under Section 79(1)(b) and 79 (1)(f) of the Electricity Act, 2003 for claiming compensation on account of event pertaining to change in law as per Article 10 of the Power Purchase Agreement dated 23.08.2013 (PPA) executed between the Petitioner and the Respondent.

Date of hearing : 27.10.2016

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : Bharat Aluminium Company Limited (BALCO)

Respondent : TANGEDCO Limited

Parties present : Shri Sanjay Sen, Senior Advocate, BALCO  
Shri Prashanto Chandra Sen, Advocate, BALCO  
Shri Shivanshu Singh, Advocate, BALCO  
Shri Matrugupta Mishra, Advocate, BALCO  
Shri Jasmeet Singh Wadhera, BALCO  
Shri G. Umapathy, Advocate, TANGEDCO  
Shri S. Valliyangam, Advocate, TANGEDCO

**Record of Proceedings**

Learned senior counsel for the petitioner submitted that the petition filed before TNERC has been withdrawn by the petitioner. Learned senior counsel submitted that the generating station of BALCO has a composite scheme for generation and supply of electricity to more than one State, namely, Tamil Nadu and Kerala and hence fall within the jurisdiction of the Commission. He further submitted that the events which have already been allowed as Change in Law events by the Commission in other cases be allowed as an interim measure keeping in view the fact that continuous loss is being suffered by the petitioner and the respondent would be spared from payment of late payment surcharge. The Commission declined to grant *ad interim* relief to the petitioner without hearing the parties.

2. The Commission directed the petitioner to implead Kerala State Electricity Board in the petition as it is a necessary party to decide the maintainability of the petition before the Commission.

3. The Commission directed the petitioner to file revised memo of parties by 11.11.2016 and serve copies of the petition on the respondents. The Commission

directed the respondents to file their replies by 18.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, by 25.11.2016. The Commission directed the respondents and the petitioner that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on maintainability on 15.12.2016.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**