

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 249/MP/2018**

Subject :Petition under Section 79 of the Electricity Act, 2003 read with Article 13 of the PPAs dated 7.8.2008 for approval of Carrying Cost in terms of the order of the Commission dated 31.5.2018.

Date of Hearing : 17.1.2019

Coram : Shri P.K. Pujari, Chairperson  
Dr. M.K. Iyer, Member

Petitioner : Adani Power (Mundra) Limited (APMuL)

Respondents : Uttar Haryana Bijli Vitran Nigam Limited and Another

Parties present Ms. Poonam Verma, Advocate, APMuL  
Ms. Abiha Zaidi, Advocate, APMuL  
Ms. T.Singh, Advocate, APMuL  
Shri Harish P., APMuL  
Shri G. Umopathy, Advocate, UHBVNL

**Record of Proceedings**

At the outset, learned counsel for the Petitioner submitted that the present Petition has been filed pursuant to liberty granted by the Commission in order dated 31.5.2018 in Petition No. 97/MP/2017 to approach the Commission through separate petition with regards to the claim of carrying cost on the approved change in law events. Learned counsel further submitted that the Appellate Tribunal *vide* its Judgment dated 13.4.2018 in Appeal No. 210 of 2017 ( *Adani Power Ltd v. CERC & Others*) has upheld the mandate of restitution by holding that the generator is entitled to carrying cost arising out of approval of the Change in Law events from the effective date of Change in Law till the approval of the said event by the appropriate authority. Accordingly, the said judgment of the Appellate Tribunal is squarely applicable in the present case as the Judgment of the Appellate Tribunal is with respect to the same PPAs which are under consideration in the present petition.

2. Learned counsel for Haryana Utilities submitted that the Appellate Tribunal erred in allowing carrying cost to the Petitioner in its judgement dated 13.4.2018 to the extent that it allows carrying cost to the Petitioner from the effective date of Change in Law and not from the date on which the Commission pronounced its judgement. Learned counsel for Haryana Utilities relied on Para 53 of the Supreme Court judgement dated 11.4.2017 in *Energy Watchdog & Anr. vs. CERC & others* to contend that the carrying cost shall be determined and be effective from such date as decided by the Commission. Learned

counsel submitted that Haryana Utilities have challenged the above judgment of the Appellate Tribunal before the Hon`ble Supreme Court.

3. After hearing the learned counsels for the parties, the Commission reserved order in the Petition.

**By order of the Commission**

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