

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 284/MP/2018

Petitioner : GMR Warora Energy Limited

Respondents : Maharashtra State Electricity Distribution Company Limited and Others

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 10 of the Power Supply Agreement dated 17.3.2010 and 21.3.2013 executed between GMR Warora Energy Limited and Distribution Companies of the states of Maharashtra and Dadra & Nagar Haveli for compensation due to change in law.

Petition No. 8/MP/2014

Petitioner : EMCO Energy Limited

Respondents : Maharashtra State Electricity Distribution Co. Limited and others

Subject : Evolving a mechanism for grant of an appropriate adjustment/ compensation to offset financial/ commercial impact of change in law during Construction and Operating period.

Date of hearing : 31.1.2019

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

Parties present : Shri Vishrov Mukherjee, Advocate, GMRWEL
Shri Raveena Dhamija, Advocate, GMRWEL
Shri Yashawi Kant, Advocate, GMRWEL
Ms. Swapna Seshadri, Advocate, DNH
Shri M. G. Ramachandran, Advocate, Prayas
Ms. Poorva Saigal, Advocate, Prayas
Ms. Ranjeeta Ramachandran, Prayas
Shri Shubam Arya, Advocate, Prayas
Shri Pulkit Agarwal, Advocate, Prayas
Ms. Tanya Sareen, Advocate, Prayas
Ms. Manpreet Kaur, MSEDCL

Record of Proceedings

Learned counsel for the Petitioner submitted that as per the Commission's order dated 26.11.2018 in I.A.No.77 of 2018, the respondents have not made payment till date on the ground that DNH has challenged the judgment of the APTEL before the Hon'ble Supreme Court. However, there is no stay on the APTEL judgment. Learned counsel

requested the Commission to direct the Respondents to pay 75% of the compensation as claimed by the Petitioner and allowed by the Commission in other similar petitions.

2. Learned counsel for the Respondent, DNH requested for 7 days' time to file reply to the petition. Learned counsel further submitted that she will take instructions from DNH for payment on account of Change in Law claims.

3. After hearing the learned counsel for the parties, the Commission directed the Respondents to comply with the Commission's order dated 26.11.2018. The Commission further directed DNH to file its reply by 8.2.2019, with an advance copy to the Petitioner who may file its rejoinder, if any, on or before 14.2.2019. The Commission directed that due date in filing reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

4. The Petition shall be listed for hearing in due course.

By order of the Commission

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