

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 450/MP/2019**

Subject : Petition invoking Section 79 of the Electricity Act, 2003 read with (i) Article 10 of the Power Purchase Agreement dated 18.01.2014, (ii) Article 10 of Schedule 1 of the PPA dated 20.01.2014, (iii) Clause 4.7 of the Competitive Bidding Guidelines, and (iv) this Commission's Order dated 03.06.2019 passed in Petition No. 156/MP/2018 seeking approval of the additional capital and operational expenditure on account of installation of various Emission Control Systems in compliance with Ministry of Environment, Forest and Climate Change Notification dated 07.12.2015.

Date of Hearing : 11.1.2022

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member

Petitioner : M B Power (Madhya Pradesh) Limited (MBPMPL)

Respondents : Uttar Haryana Power Corporation Limited (UPPCL) and 6 Ors.

Parties Present : Shri Amit Kapur, Advocate, MBPMPL  
Shri Akshat Jain, Advocate, MBPMPL  
Shri Pratyush Singh, Advocate, MBPMPL  
Shri Abhishek Gupta, MBPMPL  
Shri Tagore, MBPMPL  
Shri Abhishek Kumar, Advocate, UPPCL  
Shri Nived Veerapaneni, Advocate, UPPCL  
Shri Karan Arora, Advocate, UPPCL  
Shri Ravi Kishore, Advocate, PTC

**Record of Proceedings**

Case was called for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed in terms of the liberty granted by the Commission in its order dated 3.6.2019 in Petition No. 156/MP/2018, *inter-alia*, seeking in-principle approval of capital cost and operational cost to be incurred by the Petitioner for installing various emission control systems in compliance of the revised environmental norms prescribed in the Ministry of Environment, Forest and Climate Change Notification dated 7.12.2015. The learned counsel further circulated his note of arguments and made detailed submissions covering (i) details pertaining to competitive bidding process for procurement of installation of FGD system, (ii) cost of wet limestone based FGD system as discovered i.e. Rs. 648.20 crore (plus GST of Rs.116.67 crore), (iii) contentions made by the Respondent, UPPCL, (iv) requirement of in-

principle cost approval for installation of FGD system being critical to the Project, and (v) non-applicability of the Electricity (Recovery of Costs due to Change in Law) Rules, 2021 in the present case, etc.

3. The learned proxy counsel for the Respondent, UPPCL requested for adjournment of the Petition due to non-availability of the arguing counsel in the matter. The learned counsel further sought liberty to file the response/written arguments to the additional affidavits filed by the Petitioner in the matter.

4. Considering the request of the learned counsel for the Respondent, UPPCL, the Commission adjourned the matter. The Commission further permitted the Petitioner to file the note of arguments as relied upon within a week. The Respondents were directed to file their response within a week thereafter with copy to the Petitioner, who may file its rejoinder, if any, within a week thereafter.

5. The matter is part-heard and shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

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