

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 215/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 read with statutory framework governing procurement of power through competitive bidding and Article 13.2(b) of the Power Purchase Agreement dated 7.8.2007 executed between Sasan Power Limited and the Procurers for compensation due to Change in Law impacting revenues and costs during the Operating Period.

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 : Sasan Power Limited (SPL)

Respondents : MP Power Management Co. Ltd. and 13 Ors.

Parties Present : Shri Venkatesh, Advocate, SPL
Shri Siddharth Joshi, Advocate, SPL
Ms. Soumya Sharma, Advocate, SPL
Ms. Shraddha Deshmukh, Advocate, Rajasthan Discoms
Ms. Poorva Saigal, Advocate, HPPC & PSPCL
Shri Shubham Arya, Advocate, HPPC & PSPCL
Ms. Reeha Singh, Advocate, HPPC & PSPCL
Ms. Shikha Sood, Advocate, HPPC & PSPCL
Ms. Aditya Singh, Advocate, MPPMCL

Record of Proceedings

At the outset, learned counsel appearing on behalf of the Respondents 6 to 8, Rajasthan Discoms sought liberty to file the Vakalatnama and prayed for additional time to file reply to the Petition. Learned counsel for the Respondents 12 and 13, PSPCL & HPPC also made similar request and sought time to file reply to the Petition.

2. Learned counsel for the Petitioner submitted that pursuant to the liberty granted by the Commission vide Record of Proceedings for the hearing dated 13.12.2022, the Petitioner has moved IA No.2/2023 seeking amendment of the Petition in view of the Ministry of Environment, Forest & Climate Change's Fly Ash Notification, 2021 issued in suppression of Fly Ash Notification, 1999 as amended from time to time. Learned counsel further submitted that the Commission may allow the said IA and the Respondents be directed to file their comprehensive reply to the amended Petition.

3. Learned counsel for the Respondents, HPPC & PSPCL, however, objected to the said request and submitted that while the Commission issued a notice in the said IA, the IA may not be allowed at this stage and be listed along with the main Petition.



Learned counsel submitted that some of the claims made in the amended Petition are time barred and hence, cannot be permitted to be included in the main Petition. In response, the learned counsel for the Petitioner submitted that objections relating to the maintainability of the Petitioner's claims can be raised by the Respondents in their reply and may not come in way of allowing the IA seeking amendment to the Petition.

4. Keeping in view that the Petition was yet to be formally admitted, the Commission did not find any merit in the submissions of the learned counsel for the Respondents, PSPCL & HPPC not to allow the amendment to the Petition at this stage. Accordingly, the Commission allowed the IA No.2/2023 and directed to take on record the amended Petition. The Commission further issued notice in the matter and directed the Respondents to file their reply to the amended Petition, if any, within three weeks with copy to the Petitioner who may file its rejoinder, if any, within three weeks thereafter.

5. The Petition shall be listed for hearing on 13.6.2023.

By order of the Commission

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