

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.229/MP/2016

Subject : Petition under Section 79 (1) (b) read with Section 79 (1) (f) of the Electricity Act, 2003 seeking compensation on account of occurrence of 'Change in Law' and 'Force Majeure' events relating to Power Purchase Agreement dated 19.8.2013 entered into between the Petitioner and the Respondent.

Date of Hearing : **18.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : DB Power Limited (DBPL)

Respondents : Tamil Nadu Generation and Distribution Corporation Ltd. (TANGEDCO) and Ors.

Parties Present : Shri Deepak Khurana, Advocate, DBPL
Ms. Nishtha Wadhwa, Advocate, DBPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Ms. Swapna Seshadri, Advocate, RUVNL

Record of Proceedings

Learned counsel for the Petitioner submitted that the matter has been remanded back to the Commission by the Appellate Tribunal for Electricity (APTEL) in terms of its order dated 25.7.2023 in Appeal No.225 of 2018 filed by the Petitioner who is aggrieved by the Commission's order dated 19.12.2017 in the matter. Learned counsel further submitted that similarly placed remand matter, i.e. Petition No.101/MP/2017 was listed before the Commission on 20.9.2023 wherein the Commission vide Record of Proceedings for the said hearing, had permitted the Petitioner to place on record the computation of its claims in terms of the APTEL order and further permitted the Respondents to file their submissions, if any. Learned counsel submitted that a similar direction/Record of Proceedings may be issued in the present case as well.

2. Learned counsel for the Respondent, TANGEDCO, however, urged the Commission to post the matter for an oral hearing after the Petitioner has filed its computation of claims in terms of the APTEL order.

3. Learned counsel for the Respondent, RUVNL (also the Respondent in Petition No.101/MP/2017) submitted that Petition No. 101/MP/2017 may also be listed for oral hearing along with the present Petition and the Respondent has also circulated a letter/request in this regard. In response, learned counsel for the Petitioner pointed out that by Record of Proceedings for the hearing dated 20.9.2023, Petition No.101/MP/2017 has already been reserved for order. However, if the Commission deems it appropriate to re-list the said matter for an oral hearing, the Petitioner, as such, has no objection to the same.



4. Considering the submissions of the learned counsels for the parties, the Commission permitted the Petitioner to file its submissions/computation of claim in terms of the order of APTEL dated 25.7.2023 within four weeks. The Commission also permitted the Respondent TANGEDCO, to file its submissions thereon, if any, within three weeks with a copy to the Petitioner, who may file its rejoinder, if any, within three weeks.

5. The present Petition along with Petition No. 101/MP/2017 will be listed for the hearing on **24.1.2024**.

By order of the Commission

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