

**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.

Petitioner : DB Power Limited (DBPL)

Respondents : Tamil Nadu Generation and Distribution Corp. Ltd. and Ors.

Petition No.101/MP/2017

Subject : Petition under Section 79(1) (b) read with Section 79(1) (f) of the Electricity Act, 2003 inter alia seeking compensation on account of occurrence of 'Change in Law events' and/or Force Majeure events relating to Power Purchase Agreements both dated 01.11.2013 entered into between the Petitioner and the Respondents.

Petitioner : DB Power Limited (DBPL)

Respondents : PTC India Limited (PTCIL) and 6 Ors.

Date of Hearing : **10.4.2024**

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

Parties Present : Shri Deepak Khurana, Advocate, DBPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO
Ms. Aakanksha Bhola, Advocate, TANGEDCO
Shri Anand Ganesan, Advocate, Rajasthan Discoms
Shri Amal Nair, Advocate, Rajasthan Discoms
Ms. Shivani Verma, Advocate, Rajasthan Discoms

Record of Proceedings

At the outset, the learned counsel for Respondents, Rajasthan Discoms, in Petition No. 101/MP/2017, submitted that the Petitioner had filed its rejoinder to their reply only yesterday. Since, by said rejoinder, the Petitioner has replied to the certain technical clarifications sought by Respondents, the Respondents be permitted to examine the same and take necessary instruction on such technical clarifications.



2. Learned counsel for the Petitioner, DBPL, submitted that the Petitioner has filed its rejoinders in terms of the timeline indicated by the Commission, vide Record of Proceedings for the hearing dated 24.1.2024. Learned counsel further submitted that all the details were already on record, and in fact, during the appeal stage itself, the Petitioner has provided technical details including the designed heat rate, which were also taken note of by APTEL. Learned counsel also urged for an early listing of these matters.
3. Considering the submissions made by the learned counsels for the parties, the Commission adjourned the matters.
4. The Petitioner was directed to file the following information on an affidavit with three weeks:

Petition in 229/MP/2016

- a. Working sheet (in excel) for the calculation of Differential/Balance Outstanding amount (amounting to Rs. 21.26 crores as submitted by the Petitioner) along with the proper justification of the input values used for the said calculation.
- b. Performance Guarantee Test Report as issued by the OEM certifying the Design Heat Rate, Design Boiler efficiency, Design Turbine Heat Rate.

Petition in 101/MP/2017

- a. Working sheet (in excel) for the calculation of Differential/Balance Outstanding amount (amounting to Rs. 43.73 crores as submitted by the Petitioner) along with the proper justification of the input values used for the said calculation.
 - b. Performance Guarantee Test Report as issued by the OEM certifying the Design Heat Rate, Design Boiler efficiency, Design Turbine Heat Rate.
5. The matters will be listed for final hearing on **18.6.2024**.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)