

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 265/MP/2023**

Subject : Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Article 12.4 of the PPA executed between the NTPC Vidyut Vyapar Nigam Limited and Bangladesh Power Development Board, under back-to-back basis with DVC pursuant to PSA dated 6.9.2018 entered between DVC and NVVN for supply of 300 MW of power from DVC's generating stations to BPDB.

Petitioner : DVC

Respondents : NVVN and BPDP

Date of Hearing : **19.1.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri I.S.Jha, Member  
Shri Pravas Kumar Singh, Member

Parties Present : Shri Venkatesh, Advocate, DVC  
Shri Ashutosh Shrivastav, Advocate, DVC  
Shri Aaswyn, Advocate, DVC  
Vikas Kumar, NVVN

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner submitted that the present petition has been filed under Section 79(1)(f) of the Electricity Act, 2003, seeking declaration of the events viz. directions to DVC for procurement and blending of imported coal; MoEF&CC Notifications dated 25.1.2016 read with 31.12.2021 mandating 100% ash disposal; and MoEF&CC Notification dated 7.12.2015, whereby the revised emission norms have been specified, as change in law events. Accordingly, the learned counsel submitted that it has sought directions to Respondent NVVN to make payment of the additional expenditure incurred/to be incurred, pursuant to the aforesaid change in law events, in terms of Article 12.4 read with Article 12.5 of the BPDB PPA which provides for the scope and relief for change in law.

2. After hearing the learned counsel for the Petitioner, the Commission directed as under:

(a) Admit and issue notice;

(b) The Respondents shall file their replies on or before **26.2.2024**, after serving a copy on the Petitioner, who may, file its rejoinder, if any, by



**18.3.2024.** The parties shall complete their pleadings within the due dates mentioned, and no extension of time shall be granted.

3. The matter shall be listed for hearing on **19.4.2024.**

**By order of the Commission**

**Sd/-  
(B. Sreekumar)  
Joint Chief (Law)**

