

**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 BPDB

Date of Hearing : **8.5.2025**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Venkatesh, Advocate, DVC
Shri Nihal Bharadwaj, Advocate, DVC
Shri Aashwyn Singh, Advocate, DVC
Shri Adarsh Tripathi, Advocate, NVVN
Shri Ajitesh Garg, Advocate, NVVN

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the Petitioner has claimed the reimbursement of the additional expenditure incurred towards the (i) Procurement of imported coal (ii) compliance with MOF&CC notifications dated 25.1.2016 and 31.12.2021 for fly ash transportation and (iii) installation of ECS, as change in law event.

2. On a specific query of the Commission as to whether the Respondent, BPDB, has filed its response/reply, the learned counsel for the Respondent, NVVN, pointed out that in response to their letter dated 6.11.2023, the Respondent, BPDB, vide its letter dated 27.11.2023 addressed to the Commission, requested the Commission not to permit the reimbursement of the additional expenditure as a 'change in law' event.

3. The Commission, however, observed that the matter may be listed for final hearing, after service of notice to the Respondent, BPDB. Accordingly, at the request of the learned counsel for the Petitioner, dasti notice was permitted. In addition, the Commission directed the Registry to undertake all modes of service of notice, including the service of notice through the Ministry of Law and Justice in terms of MHA letter No. 25012/03/2023-LC (Pt.IX) dated 30/11/2023.

4. The Petitioner is directed to furnish the following additional information, on or before **28.7.2025**, after serving a copy to the Respondents:



“The computation of claimed supplementary charge based on weighted average pool rate of supplementary charges from all the thermal power plants of DVC and the corresponding apportionment to NVVN/ BPDB on account of additional expenses due to blending of imported coal, capitalization of ECS and fly ash transportation, along with relevant formulae in excel.”

5. The Respondents are permitted to file their replies/responses on or before **11.8.2025**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **18.8.2025**.
6. The Petition shall be listed for hearing on **22.8.2025**.

By order of the Commission

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

