

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 302/MP/2022 along with I.A. No. 31/2025

Subject : Petition under section 79(1)(f) of the Electricity Act 2003 for (i) approval of Change in Law and (ii) seeking an appropriate mechanism for grant of an appropriate adjustment/ compensation to offset financial/ commercial impact of change in law events on account of imposition of water tax in relation to Tehri HEP (1000 MW) and Koteshwar HEP (400 MW) read with the CERC (Terms and Conditions of Tariff) Regulations, 2019 and Order dated 12.7.2022 passed by Hon'ble High Court of Uttarakhand

Petitioner : THDC India Limited

Respondents : RUVNL & 15 ors.

Date of Hearing : **28.4.2025**

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

Parties Present : Shri Tabrez Malawat, Advocate, THDC
Shri Syed Hamza, Advocate, THDC
Shri Sourajit Sarkar, Advocate, THDC
Ms. Rupali Jain, Advocate, THDC
Shri Rahul Kinra, Advocate, BRPL & BYPL
Ms. Isnain Muzamil, Advocate, BRPL & BYPL
Ms. Swapna Seshadri, Advocate, PSPCL
Ms. Devyani Prasad, Advocate, PSPCL
Shri Amal Nair, Advocate, PSPCL
Shri Abhishek Kumar, Advocate, UPPCL
Shri Shubham Mudgil, Advocate, UPPCL
Ms. Priya Dhankhar, Advocate, TPDDL
Ms. Drishti Rathi, Advocate, TPDDL
Ms. Shefali Sobti, TPDDL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that in compliance with the directions of the Hon'ble High Court of Uttarakhand, the Petitioner is making regular payments towards water tax, and in case of any non-recovery, the same will result in cash flow problems for the project. He also pointed out that, except for the Respondent PSPCL, all other beneficiaries have made the payments towards the Water tax invoices. Accordingly, the learned counsel submitted that the IA filed by it for modification of the interim order dated 27.7.2023 may be allowed, thereby permitting the Petitioner to take coercive action against the Respondent.

2. The learned counsel for the Respondent PSPCL objected to the said prayer contending that in view of Order 39 Rule 4 CPC the interim order can not be varied or set



aside without appropriate hearing and pointed out that the prayer of the Petitioner to allow the Water tax, as a change in law event, cannot be considered at this stage, more so, when the validity of Water Tax Act notified by the State Government, is being considered by the Hon'ble High Court.

3. The learned counsel for the Respondent UPPCL submitted that the payments towards water tax invoices are being made to the Petitioner, under protest.

4. However, the Commission, at the request of the parties, directed this Petition, along with IA No. 49/2023, to be listed on **13.5.2025**.

By order of the Commission

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

