CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 265/MP/2023

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

Date of Order: 18th November, 2026

In the matter of:

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, on a back-to-back basis with DVC pursuant to PSA dated 6.9.2018 entered into between DVC and NVVN for supply of 300 MW of power from DVC's generating stations to BPDB.

And

In the matter of:

Damodar Valley Corporation,
DVC Headquarters, DVC Towers,
VIP Road, Kolkata-700054 **…… Petitioner**

Vs

1. NTPC Vidyut Vyapar Nigam Limited.
Core-7, NTPC Bhawan, SCOPE Complex,
7 Institutional Area, Lodi Road, New Delhi-110003

2. Bangladesh Power Development Board
WAPDA Building, 1st Floor, Motijheel Commercial Area,
Dakha-1000, Bangladesh **……. Respondents**

Parties Present:
Shri Venkatesh, Advocate, DVC
Shri Aashwyn Singh, Advocate, DVC
Shri Jatin Katiyar, Advocate, DVC
Shri Adarsh Triparthi, Advocate, NVVNL

ORDER

The present Petition has been filed by the Petitioner, Damodar Valley Corporation (DVC), under Section 79(1)(f) of the Electricity Act, 2003, seeking the following reliefs:

"(a) Allow the present Petition;

(b) Declare the directions issued by Ministry of Power to DVC for procurement of imported coal as a change in law event;

(c) Direct NVVN/BPDB to reimburse the additional expenditure incurred by DVC in procurement of imported coal as specified at Paras 8.5 to 8.17 of the present Petition for supply of 300MW power;

(d) Declare the MoEF&CC Notifications dated 25.01.2016 read with Notification dated 31.12.2021 regarding fly ash transportation as a change in law event;

(e) Direct NVVN/BPDB to reimburse the additional expenditure incurred by DVC to comply with MoEF&CC Notifications dated 25.01.2016 read with Notification dated 31.12.2021 as specified at Para 8.18 to 8.25 of the present Petition for supply of 300MW power;

(f) Allow DVC to recover the fly ash transportation charges on a monthly basis with annual reconciliation;

(g) Declare the MoEF&CC Notification dated 07.12.2015 read with Notification dated 05.09.2022 mandating installation of Emission Control System as a change in law event;

(h) Allow DVC to recover supplementary charge based on weighted average pool rate of supplementary charges for all the thermal power plants of DVC to the extent of pooled thermal generation of power supplied to NVVN/BPDB.; AND/OR

(i) Pass any such order(s) as deemed appropriate in the circumstances of the case."

Hearing dated 16.10.2026

2. During the hearing, the learned counsel for the Petitioner sought permission to withdraw the present Petition and to place an affidavit to that effect on record. Accordingly, the Petitioner, vide its affidavit dated 28.10.2026, has submitted that, without prejudice to its rights available in law, it sought to withdraw the present Petition, with liberty to approach this Commission or the appropriate forum in the event of any grievance.

3. We have considered the submissions of the Petitioner and the contents of the withdrawal affidavit dated 28.10.2026. In view of the Petitioner's request, as recorded in the aforesaid affidavit dated 28.10.2026, the Petitioner is permitted to withdraw the present Petition.

4. Accordingly, Petition No. 265/MP/2023 is disposed of as withdrawn.

Sd/-	***Sd/-***	***Sd/-***	***Sd/-***
(Ravinder Singh Dhillon)	**(Harish Dudani)**	**(Ramesh Babu V.)**	**(Jishnu Barua)**
Member	**Member**	**Member**	**Chairperson**