

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.188/MP/2021

- Subject : Petition under Section 79(1)(b) and 79(1)(f) of the Electricity Act, 2003 seeking compensation on account of events pertaining to Change in Law events, read with Article 10 of the Power Purchase Agreement dated 19.12.2013 executed between the Petitioner and the Respondent No. 1.
- Date of Hearing : **28.6.2023**
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Coastal Energen Private Limited (CEPL)
- Respondents : Tamil Nadu Generation and Distribution Co. Ltd. (TANGEDCO) and Anr.
- Parties Present : Shri Hemant Singh, Advocate, CEPL
Shri Lakshyajit Singh Bagdwal, Advocate, CEPL
Shri Harshit Singh, Advocate, CEPL
Ms. Anusha Nagarajan, Advocate, TANGEDCO
Shri Rahul Ranjan, Advocate, TANGEDCO

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking compensation on account of Change in Law events in terms of Article 10 of the Power Purchase Agreement dated 19.12.2013 executed between the Petitioner and the Respondent No.1, TANGEDCO. Learned counsel further submitted that earlier the Petition was disposed of by the Commission vide order dated 2.12.2021 in view of the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021. However, the matter is now re-listed pursuant to the decision of the Appellate Tribunal for Electricity dated 5.4.2022 in OP No.1 of 2022 and Ors. Learned counsel submitted that pleadings have yet to be completed in the matter.

2. Learned counsel for the Respondent, TANGEDCO submitted that the Respondent has already raised an issue of jurisdiction of this Commission qua the Petitioner on the ground that it does not have a composite scheme for generation and sale of power in more than one State. in similar matters involving the Petitioner. Learned counsel sought liberty to file a consolidated reply covering the maintainability and merits of the case.

3. After hearing the learned counsel for the parties, the Commission ordered as under:



- (a) Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply on both maintainability and merits of the case, within four weeks with copy to the Petitioner, who may file its rejoinder, within four weeks thereafter.
4. The Petition shall be listed for hearing on 13.9.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**