

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/PETITION NO. – 31 of 2021

**Date of Hearing : 01.06.2022
Date of Interim Order : 01.06.2022**

IN THE MATTER OF:

Petition under Sections 86 of the Electricity Act, 2003 seeking an Order from this Hon'ble Commission holding that the MoEF&CC Notification dated 25.01.2016 is a Change in Law event and allowing the consequent additional expenses incurred by the Petitioner on account of such Change in Law event.

Petitioner

M/s. Lanco Amarkantak Power Limited

Respondents

1. Haryana Power Purchase Centre, Panchkula (HPPC)
2. PTC India Limited

Present on behalf of the Petitioner

Mr. Deepak Khurana, Counsel for Petitioner

Present On behalf of the Respondents

Ms. Sonia Madan, Counsel for Respondent No. 1

Quorum

Shri R.K. Pachnanda

Chairman

Shri Naresh Sardana

Member

INTERIM ORDER

1. The case was heard on 01.06.2022, as scheduled.
2. At the outset, the Commission observes that despite its clear-cut instructions that reply/replications/rejoinder in the matters shall be filed at least three days prior to the date of hearing, HPPC, the respondent in the present matter has filed the reply today itself i.e. on the date of hearing 01.06.2022.
3. Ms. Sonia Madan, the learned counsel, appearing on behalf of the respondent no. 1 justified the delay in filing reply in the matter on the plea that information sought on the issue of fly ash transportation from LANCO power plant from Chhattisgarh and Madhya Pradesh Electricity Regulatory Commissions' have been received late. She further submitted that the power utilities in Madhya Pradesh and Chhattisgarh have not passed the bills for ash transportation, as claimed by M/s Lanco Amarkantak Power Limited.
4. Per Contra, Mr. Deepak Khurana, the learned counsel, putting in appearance for the petitioner, pointed out the absurdity in the arguments of the respondent HPPC on the plea

that the decision of this Commission ought not to be dependent on decision in some other matter or action to be taken in some other States.

5. The Commission has taken serious note of the delay in filing the reply by the Respondent-HPPC leading to non-compliance of the directive of this Commission i.e. to file reply atleast three days prior to the date of hearing. The Commission observes that HPPC is taking the matter very lightly and should be serious about the directions of the Commission. It is further observed that on 13.04.2022, HPPC sought fifteen days' time to study the documents submitted by the petitioner and submit its final submissions on the next date of hearing i.e. 04.05.2022. Later, the case got rescheduled for 1st June because written submissions on behalf of the HPPC were not filed within the stipulated time of 15 days and no submissions have been submitted by HPPC till date. In view of the above, the Commission is constrained to levy a token fine of Rs. 1/- to be deposited in the Commission's account. HPPC is further advised to be more careful in future.
6. Upon hearing the parties, the Commission directs HPPC, the respondent to file a comprehensive reply within one week with an advance copy to the petitioner. Thereafter, the petitioner may also file rejoinder within one week.
7. Next date of hearing shall be intimated separately.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 01.06.2022.

Date: 01.06.2022
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman