



**THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Petition No. 2116 of 2024

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Petition for truing-up in compliance of the directive of this Hon'ble Commission vide the Order dated 29.05.2020 in Petition No. 1440 of 2019 for claiming additional recurring/non-recurring expenditure incurred by Dhariwal Infrastructure Limited on account of occurrence of various 'Change in Law' events during the period FY 2023-24.

AND

IN THE MATTER OF

Dhariwal Infrastructure Ltd. (DIL)

CESC House, Chowringhee Square, Kolkata – 700001, West Bengal

..... **Petitioner**

VERSUS

Noida Power Company Ltd. (NPCL)

Electric Sub-station, Knowledge Park-IV, Gr. Noida, Gautam Buddha Nagar, Uttar Pradesh,
Pin- 201301

..... **Respondents**

THE FOLLOWING WERE PRESENT

1. Ms. Abiha Zaidi, Advocate, DIL
2. Shri Shubhayu Sanyan, Officer, DIL
3. Ms. Srishti Rai, Advocate, NPCL

by



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ORDER

(DATE OF HEARING: 22.10.2024)

1. The Petitioner, Dhariwal Infrastructure Limited (DIL), has filed the present petition in compliance to the directives of the Commission in the Order dated 29.05.2020 in Petition No. 1440 of 2019 for truing-up the expenses corresponding to the 'Change in Law' events for FY 2023-24.
2. The Petitioner has prayed the following:
 - a) Admit the instant Petition and allow the trued-up claims of the Petitioner/DIL towards compensation on account of occurrence of 'Change in Law' events for FY 2023-24, in accordance with the directions of this Hon'ble Commission in its Order dated 29.05.2020 in Petition No. 1440 of 2019;
 - b) Approve the payment of ₹ 5.05 Crores (as demonstrated in Table 2 above) made by the Respondent/NPCL towards the 'Change in Law' events already approved by this Hon'ble Commission vide its Order dated 29.05.2020 in Petition No. 1440 of 2019 and its Order dated 02.08.2022 in Petition No. 1655 of 2020, resulting into increase in cost of coal and freight components of FSA Grade Coal for FY 2023-24;
 - c) Grant liberty to the Petitioner/DIL to approach this Hon'ble Commission with revised trued-up claims under 'Change in Law' events for the previous financial years, viz., FY 2019-20, FY 2020-21, FY 2021-22, FY 2022-23 and FY 2023-24, subject to the outcome of Appeal No. 128 of 2020 presently pending before the Hon'ble Tribunal;
 - d) Allow the Petitioner to continue the same principle for treating the compensation on account of occurrence of 'Change in Law' events and approach this Hon'ble Commission for truing-up of the associated cost for the Tariff Period FY 2024-29, as those laid down by this Hon'ble Commission in Para 120, 121 and 122 of the Order dated 29.05.2020 in Petition No. 1440 of 2019
 - e) Condone any inadvertent omissions/errors/rounding-off differences/shortcomings and permit the Petitioner/DIL to add/alter this filing and make further submissions as may be required in future; and

by





- f) Pass such other Order(s), as this Hon'ble Commission may deem fit and proper, keeping in view the facts and circumstances of the case.
3. During the hearing, Ms. Abiha Zaidi, Counsel for Petitioner (DIL), submitted that present petition was filed for truing up the expenses corresponding to the 'Change in Law' events for FY 2023-24. Ms. Srishti Rai, Counsel for Respondent (NPCL) sought three weeks' time to file their reply.
4. The Commission admitted the Petition and allowed three weeks' time for Respondent to file its reply and two weeks' time thereafter to the petitioner for filing rejoinder.

List the matter on 10.12.2024.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 29.10.2024

