

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**CORAM:**

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N. Sinha, Member**
3. **Shri Bhanu Bhushan, Member**
4. **Shri A.H. Jung, Member**

**Petition No. 67/2003  
(Suo motu)**

**In the matter of**

Terms and conditions for determination of tariff for the period 1.4.2004 to 31.3.2009.

**Petition No. 90/2005**

**And in the matter of**

Miscellaneous petition for gaming by the generators by generating more than 1% of the Declared Capacity on a regular basis from 1.4.2004.

**And in the matter of**

Tamil Nadu Electricity Board

.... **Petitioner**

**Vs**

1. Southern Regional Load Despatch Centre, Bangalore
2. Southern Regional Electricity Board, Bangalore
3. National Thermal Power Corporation Ltd.,  
Southern Regional Head Quarters, Secunderabad
4. Neyveli Lignite Corporation, Neyveli
5. Transmission Corporation of Andhra Pradesh, Hyderabad
6. Karnataka Power Transmission Corporation, Bangalore
7. Kerala State Electricity Board, Thiruvananthapuram
8. Pondicherry Electricity Department, Pondicherry

... **Respondents**

**The following were present:**

1. Shri S. Sowmyanarayanan, TNEB
2. Shri T. Srinivas, SRLDC
3. Shri V.K. Agrawal, SRLDC
4. Shri K. Srinivasa Rao, SREB
5. Shri Sunil Agrawal, PGCIL
6. Shri K. Sekar, CGM (Comml.), NLC
7. Shri R. Suresh, DGM (Comml.), NLC
8. Shri S.R. Narasimhan, NRLDC
9. Shri P. Srirama Rao, APTRANSCO
10. Shri M.R. Krishna Rao, ADE (Comml.), APTRANSCO

**ORDER**  
**DATE OF HEARING: 6.10.2005)**

Clause (2) of Regulation 24 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 provides as under:

- “(i) Any generation up to 105% of Declared Capacity in any time block of 15 minutes and averaging up to 101% of the average Declared Capacity over a day shall not be construed as gaming, and generator shall be entitled to UI charges for such excess generation above the scheduled generation (SG)
- (ii) For any generation beyond the above prescribed limits, the Regional Load Dispatch Centre shall investigate so as to ensure that there is no gaming and if gaming is found by the Regional Load Despatch Centre, the corresponding UI charges due to the generating station on account of such extra generation shall be reduced to zero and the amount shall be adjusted in UI account of beneficiaries, in the ratio of their capacity share in the generation station”.

2. It came to the notice of the Commission that in case of Ramagundam Super Thermal Power Station owned by NTPC, the actual generation was more than its declared capacity. In this context, data for the month of March, 2005 was analysed and it was found that during this period, the actual generation at Ramagundam STPS was more than the declared capacity by 1% to 1.8% for 22 days during the month, as a result of which the generating station earned excess revenue by way of UI charges, not intended by the above noted provisions of the regulations. Therefore, by order dated 13.7.2005, NTPC was directed to explain the reasons for generating electricity over and above the declared capacity more or less on regular basis. NTPC was also directed to explain why over-generation should not be construed as gaming and UI charges reduced to zero. An affidavit has been filed on behalf of NTPC.

3. Meanwhile, TNEB has filed the petition (No. 90/2005) according to which, NTPC and NLC, respondents 3 and 4 respectively, have generated more than the declared capacity at Ramagundam STPS, Talcher STPS, NLC TPS II (Stage I & II) and TPS-I (Expansion) during the period 28.2.2005 to 24.4.2005. In this regard TNEB has placed some data on record. The reply to this petition has been filed by NTPC, NLC and SRLDC. A suggestion has been made in these replies that the data furnished by TNEB is not correct and, therefore, should be ignored by the Commission.

4. Without considering the merits of the respective claims either in suo motu proceedings or in Petition No.90/2005, we direct SRLDC to conduct an inquiry with a view to verifying the details of declared capacity, actual generation in respect of the generating stations belonging to NTPC and NLC, named by TNEB, during the period 28.2.2005 to 24.4.2005 and submit a report to the Commission latest by 10.11.2005 with copy to the parties to the petition filed by TNEB, and whether it involved gaming by the generating stations. While conducting the enquiry, SRLDC may associate the utilities concerned for proper appreciation of the facts.

5. List these petitions on 6.12.2005 for further directions.

**Sd/-**  
**(A.H.JUNG)**  
**Member**

**Sd/-**  
**(BHANU BHUSHAN)**  
**Member**

**Sd/-**  
**(K.N. SINHA)**  
**Member**

**Sd/-**  
**(ASHOK BASU)**  
**Chairman**

New Delhi dated the 19<sup>th</sup> October, 2005