

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri R.Krishnamoorthy, Member**

Petition No. 87/2008

In the matter of

Implementation of ABT with effect from 1.1.2007 in intra-State Central Generating Station, NLC-TPS I supplying power to the sole beneficiary, TNEB-Seeking intervention of the Commission for appropriate remedy for the problems encountered in UI Accounting.

And in the matter of

Neyveli Lignite Corporation Limited

Petitioner

Vs

1. Tamil Nadu State Load Despatch Centre, Chennai
2. Tamil Nadu Electricity Board, Chennai

Respondents

The Following were present:

1. Shri R.Suresh, NLC
2. Shri M. Subramanian, NLC
3. Shri R.Murugan, TNEB

**ORDER
(DATE OF HEARING: 13.1.2009)**

The petitioner, Neyveli Lignite Corporation Limited (hereafter in referred to `NLC`) has filed this petition seeking the Commission's direction for adopting correct new version of processing software for energy accounting for the period from 1.1.2007 to 21.1.2007 in respect of NLC TPS-I (hereinafter "the generating station") for the energy injected by the generating station. As a corollary, the petitioner further seeks disapproval of methodology adopted by the respondents in the matter of processing the energy injected during the said period with old software and has claimed payment of an amount of Rs. 154.30 lakh as UI receivables said to have been calculated as per the new correct version of software for the said period as also refund of an amount of Rs.

76,49573 lakh along with interest, wrongly calculated and deducted by the second respondent based on defective old software for the said period.

2. In case of the generating station, ABT was implemented with effect from 1.1.2007. With the implementation of ABT, the first respondent started preparing energy accounting based on the Lucid decoding software developed and furnished by M/s L & T for decoding the downloaded data from ABT meters and concerting them as output energy for the purpose of UI accounting. The petitioner has submitted that it noticed the discrepancy between the ex-bus energy values metered by the energy meters vis-à-vis those downloaded. The matter was reported by the petitioner to M/s L&T on 12.1.2007. M/s L&T informed the petitioner that the problem occurred on account of wrong versions of the Lucid software and the correct version of the Lucid software was accordingly installed on 22.1.2007. Even after replacement of Lucid software the, first respondent continued energy accounting based on the old versions of Lucid software, on the ground that the new version of Lucid software was modified by the petitioner unilaterally to meet its requirements. This gave rise to dispute between the petitioner and the respondents.

3. The petitioner filed a petition seeking the intervention of the Commission for adjudication of the dispute relating to energy accounting and sought appropriate direction to the respondents to accept the improved version of Lucid software installed on 22.1.2007. The Commission by its final order dated 14.3.2008 in Petition No. 71/2008 directed that for the period 22.1.2007 to 20.8.2007 energy accounting was to be done using the new soft Lucid software. Relevant para of the said order is extracted hereunder:

“ It needs no emphasis that the primary responsibility of installing SEMs, assimilation and use of data is that of the SLDC, who is the first respondent in the present case.

The required SEMs should have been got installed by the first respondent, along with the necessary software. However, the first respondent has left it to the petitioner. The petitioner installed the ABT meters in good faith for implementation the ABT in NLC TPS-1 from 1.1.2007. The correctness of ABT process was suspected by the petitioner on 12.1.2007 by noticing the difference between ex-bus energy values `monitored Vs downloaded` and the discrepancy was immediately informed to M/s L & T (OEM) by NLC. SLDC/TNEB was informed on 19.1.2007 about the error in the Lucid software and the correct version of the Lucid software was installed at SLDC/TNEB also on 22.1.2007. In this backdrop insistence by the respondents on old Lucid software does not appear to be reasonable and the petitioner cannot be penalized for the genuine support it rendered to the first respondent in good faith. Second respondent has availed 4.61 million units for which it is expected to make payment. As such, we are of the opinion that the UI accounting is required to be done using new Lucid software for the period 22.1.2007 to 20.8.2007 also. Accordingly, we direct that UI accounting for the period from 22.1.2007 to 20.8.2007 be done on the basis of new software.”

4. The petitioner has submitted that it had preferred bills of UI upon the second respondent for payment of an amount of Rs. 2,58,744/- for the period from 22.1.2007 to 20.8.2007 based on the order dated 14.3.2008. The second respondent after adjusting an amount of Rs. 76, 49,573/-, allegedly payable by the petitioner on UI account for the period from 1.1.2007 to 21.1.2007, calculated on the basis of the old software, made payment of the balance amount of Rs. 1,81,93,171/-. The petitioner has further submitted that the energy output as per the old Lucid software does not correctly represent the energy injected by the petitioner and by considering the correct version of the software, the petitioner is entitled to receive an amount of Rs. 154. 30 lakh as UI for the period from 1.1.2007 to 21.1.2007. It has been stated that the Commission having recognized in its order that the old version of the software cannot be taken into effect for UI calculations for the period 22.1.2007 and onwards, it could only be prudent on the part of the second respondent, having consumed the energy injected, to consider the correct versions of the software for the period from 1.1.2007 to 21.1.2007 also. The petitioner also submitted that the correct version of the processing software is to be adopted for the period from 1.1.2007 to 21.1.2007.

5. The representative of the respondents submitted that it had faithfully implemented the directions of the Commission and settled the UI accounts based on the modified versions of Lucid software from 22.1.2007 onwards and there is no violation in this regard. The representative of the respondents further stated that the modified version was installed only on 22.1.2007 and application of this software for preparation of UI accounts for the earlier period was not correct and proper.

6. We have gone through the pleadings and have carefully considered the oral submissions made by the representatives of parties. The Commission has already held that the old Lucid version of software was defective and was replaced on 22.1.2007. For the period 22.1.2007 and onwards, readings from the new Lucid version were ordered to be adopted. The Commission's directions in this regard have been complied with. Under these circumstances, there does not seem to be any justification for adopting readings from old version for the period from 1.1.2007 to 21.1.2007 for energy accounting. The methodology adopted by the respondents for preparation of energy accounts for the energy injected during the period from 1.1.2007 to 21.1.2007 with old software was not correct. Accordingly, readings taken from new Lucid version need to form the basis for preparation of energy accounts for the period in question. The petitioner in its petition has stated that correct readings for the period 1.1.2007 to 21.1.2007 are stored as raw data in Special Energy Meters. There is no denial of it in the reply filed on behalf of the second respondent. The petitioner has further claimed that UI accounting should be based on the stored raw data for the said period of 1.1.2007 to 21.5.2007. Accordingly, we direct that data available in the Special Energy Meters shall be fed into the new version of Lucid software for preparation of energy accounts for the period 1.1.2007 to

21.1.2007. The billing of charges shall be accordingly based on the output of new Lucid software. All accounts shall be settled within a period of three months from the date of this order. In case there are any technical difficulties in giving effect to these directions, either party is at liberty to approach the Commission.

7. The petition is disposed of in above terms.

Sd/-
(R.KRISHNAMOORTHY)
MEMBER
New Delhi dated the 11th February 2009

sd/-
(DR.PRAMOD DEO)
CHAIRPERSON