

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.339/2010

**Coram: Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member**

Date of hearing: 23.6.2011

Date of Order: 6.7.2011

In the matter of

Determination of tariff for Chandrapura Thermal Power Station (Units 7 & 8) of Damodar Valley Corporation (DVC) from the date of commercial operation to 31.3.2014.

And in the matter of

Damodar Valley Corporation, Kolkata
Vs

.....Petitioner

1. Delhi Transco Ltd., New Delhi

2. Madhya Pradesh Power Trading Company Ltd., Jabalpur **.....Respondents**

The following were present:

1. Ms. V.Sneha, Advocate, DVC
2. Shri S. Ghosal, DVC
2. Shri A.K. Dhanuka, DVC
3. Shri Pramod Kumar, DTL
4. Shri Ajay Singh, DTL
5. Shri R.B. Sharma, GRIDCO, JSEB & BSEB

ORDER

This petition has been filed by the petitioner, Damodar Valley Corporation on 23.12.2010, for determination of tariff of Chandrapura Thermal Power Station (Unit Nos.7 & 8) (hereinafter referred to as "the generation station") from the date of commercial operation to 31.3.2014, based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as the 2009 regulations").



2. The expected date of commercial operation to the units of the generating station as submitted in the petition is as under:

Unit-7	1.4.2011
Unit-8	31.12.2010

3. Thereafter, in response to the directions of the Commission vide letters dated 18.2.2011 and 25.2.2011 to submit additional information, the petitioner vide its affidavit dated 8.4.2011 filed additional information in respect of the generating station. In the said affidavit, the petitioner has indicated the expected date of commercial operation of Unit-7 as June, 2011 and Unit-8 as April, 2011.

4. During the hearing on 23.6.2011, the proxy counsel for the petitioner prayed for the hearing to be adjourned on account of the personal difficulty of the Counsel appearing in the matter.

5. On a specific query by the Commission as to whether the generating station was expected to be under commercial operation by the end of June 2011, the representative of the petitioner replied in the negative.

6. Regulation 5(1) of the 2009 regulations provide as under:

*“5. **Application for determination of tariff.** (1) The generating company or the transmission licensee, as the case may be, may make an application for determination of tariff in accordance with Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004, as amended from time to time or any statutory re-enactment thereof, in respect of the units of the generating station or the transmission lines or sub-stations of the transmission system, completed or projected to be completed within six months from the date of application.”*

7. Admittedly, in the present case, the petitioner could not achieve the commercial operation of Unit-7 of the generating station during June 2011. Moreover, it is also not clear from the submissions of the petitioner as to when the generating station is expected to be under commercial operation. In view of this, no useful purpose would be served to keep the petition pending more so when the generating station as a whole

or its units is not expected to be declared under commercial operation soon. Keeping in view the totality of the circumstances we are inclined to dispose of this petition.

7. Accordingly, the petition is disposed of with the direction that the petitioner is at liberty to approach the Commission with a fresh petition for approval of tariff of the generating station in accordance with the provisions of the 2009 regulations, after taking into account the revised capital expenditure on account of rescheduling of the commercial operation of the units of the generating station, which would be considered in accordance with the law.

8. We also direct that the petition shall be posted in the web-site of the petitioner and copies served on the respondents who are at liberty to file their reply/objections thereafter. Also, the petitioner is directed to make publication of notice of the said application in accordance with Regulation 3 (6) of the Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004.

9. The fees deposited by the petitioner towards filing of this tariff petition shall be adjusted against the tariff petition to be filed in terms of the liberty granted above.

10. Petition No. 339/2010 is disposed in terms of the above.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR.PRAMOD DEO]
CHAIRPERSON

