

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.171/2009

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

DATE OF ORDER: 20.6.2011

IN THE MATTER OF

Petition for fixation of tariff for Circulating Fluidized Bed Combustion (CFBC) Technology based Barsingsar Thermal Power Plant (2 x 125 MW) of Neyveli Lignite Corporation Ltd, for the period from 2009-10 to 2013-14.

And in the matter of

Neyveli Lignite Corporation Limited

.....**Petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd, Jaipur
2. Jodhpur Vidyut Vitaran Nigam Ltd, Jodhpur
3. Jaipur Vidyut Vitaran Nigam Ltd, Jaipur
4. Ajmer Vidyut Vitaran Nigam Ltd., Ajmer

.....**Respondents**

ORDER

This petition has been filed by the petitioner, Neyveli Lignite Corporation Limited (in short 'NLC') on 7.8.2009, for fixation of tariff for Circulating Fluidized Bed Combustion (CFBC) Technology based Barsingsar Thermal Power Plant (2 x 125 MW) (hereinafter referred to as "the generation station") for the period from 2009-14, based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, (hereinafter referred to as "the 2009 regulations"). The expected date of commercial operation of the units of the generating station considered in the petition was as under:

Unit-I	31.10.2009
Unit-II	31.1.2010



2. During the hearing of the petition on 22.12.2009, the petitioner submitted that the commercial operation of Unit-I of the generating station, which was scheduled on 31.10.2009 has been postponed to 31.3.2010. Accordingly, the petitioner prayed for grant of some time to amend the petition, taking into account the revised capital expenditure on account of re-scheduling of Unit-I of the generating station. Based on the above submissions, the Commission by an interim order dated 22.12.2009 granted liberty to the petitioner to amend the said petition.

3. In terms of the above order, the petitioner filed amended petition on 28.1.2010 seeking revision of tariff, considering the date of commercial operation of Unit-I as 31.3.2010 and Unit-II as 30.6.2010.

4. Thereafter, on 25.10.2010, the petitioner filed Interlocutory Application (I.A. No.30/2010) and submitted that the commercial operation of Units-I and II of the generating station which were scheduled on 31.3.2010 and 30.6.2010 respectively, had been postponed and were expected to be under commercial operation during November 2010. Accordingly, the petitioner prayed for revision of capital expenditure on account of re-scheduling of the Units of the generating station and for revision of lignite charges and cost of limestone for fixation of tariff for the period 2010-11 to 2013-14. The interlocutory application was allowed by order dated 11.11.2010 and the amended calculations were taken on record. The petitioner also filed additional information as directed by the respondents with copies to the respondents.

5. The respondent Nos. 2, 3 and 4 have filed replies to the petition. Apart from this, some individual consumers namely, Shri Shanti Prasad and Shri G.L.Sharma of Jaipur, have also filed their comments to the petition.

6. While so, the petitioner has by its affidavit dated 25.4.2011 sought the permission of the Commission to file updated information on the petition by August, 2011, due to the delay in the commissioning of the units of the generating station. According to the petitioner, the units of the generating station are expected to be under commercial operation only by December, 2011 considering the problems faced in attaining the rated capacity. It has also been submitted that the units of the generating station are running at 50% of the capacity and the problems in CFBC boiler, turbine packages are being looked into by M/s BHEL, the main plant package contractor, who had suggested the replacement of angle valve rings in HP, IP and overload bypass in main turbine and the same would be resolved.

7. We now examine the prayer of the petitioner. Admittedly, in the present case, the dates of commercial operation of the units of the generating station had undergone revisions as stated above and the petition which was filed in December, 2009 still continues to be amended based on the said revisions in the date of commercial operation. In the above backdrop, the prayer of the petitioner seeking permission to file the updated information during August, 2011, if allowed, would only result in the petition being kept pending without making any further headway. We are of the view that no useful purpose would be served to keep the petition pending, more so, when the petitioner, who had amended the petition twice, require some more time till August,2011 to file the updated information considering the anticipated date of commercial operation of the generating station as December, 2011. Keeping in view the totality of the circumstances, we are inclined to dispose of this petition.

8. Accordingly, this petition is disposed of with a direction that the petitioner is at liberty to approach the Commission with a fresh petition for approval of tariff for the generating station in accordance with the provisions of the 2009 regulations, taking into account the revised capital expenditure on account rescheduling of the units of

the generating station, which would be considered in accordance with law. We also direct that the petition shall be posted in the web-site of the petitioner and copy be served on the respondents/objectors, who are at liberty to file their reply/objections thereafter.

9. The filing fees of ₹25.00 lakh for the period 2009-14 deposited by the petitioner in respect of this tariff petition would be adjusted against the tariff petition to be filed in terms of the liberty granted above.

10. Petition No. 171/2009 is disposed of in terms of the above.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR.PRAMOD DEO]
CHAIRPERSON