

**Central Electricity Regulatory Commission
New Delhi**

RECORD OF PROCEEDINGS

Petition No. 125/2011

Subject: Signing of PPA by NTPC during the period October, 2010 to 5.1.2011 for supply of 37000 MW of electricity abusing its dominant position thereby causing adverse effect on competition in electricity industry

Date of Hearing: 8.9.2011

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

Petitioner: Association of Power Producers (APP), New Delhi

Respondents: NTPC, New Delhi

Parties present: Shri Amit Kapur, Advocate, APP
Ms. Poonam Verma, Advocate, APP
Shri Gautam Shahi, Advocate, APP
Shri M.G.Ramachandran, Advocate, NTPC
Shri V.K.Padha, NTPC Ltd.

During the hearing, the learned counsel for the petitioner submitted as under:

- (a) Information furnished by NTPC on 30.7.2011 in compliance of Record of Proceedings for hearing on 7.7.2011 is incomplete in terms of the data on each PPA and also in terms of capacity addition.
- (b) Faced with the prospect of competition/ competitive bidding, NTPC rushed to sign PPAs between 1.6.2010 till 05.01.2011 for supply of 42660 MW of electricity whereas less than 10000 MW of electricity was tied up in the preceding four and half years.
- (c) Since tariff discovered through competitive bidding is lower than tariff determined under cost plus, the actions of respondent are against the consumer interest and public at large.

2. The learned counsel of the respondent submitted as under:
 - (a) The status given by the petitioner in respect of 10 projects of independent Power Producers is incomplete.
 - (b) Each Member of the petitioners' association should be directed to file on affidavit the details of the power projects undertaken by them including the present status of such projects.
 - (c) NTPC would submit within two weeks the contemporaneous position of the projects developed by the members of the petitioners' association based on the records of Central Electricity Authority.
3. The Commission directed the respondent to file its submission, on affidavit, on or before 5.10.2011, with advance copy to the petitioner, who may file their response by 26.10.2011 with copy to the respondent.
6. Matter is to be listed for hearing on 3.11.2011.

(T.Rout)
Joint Chief (Law)