

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:
Shri S. Jayaraman, Member
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member

Date of Hearing: 6.12.2012
Date of Order : 7.12.2012

Petition No. 259/MP/2012

In the matter of:

Interlocutory Application for directions under Sections 79 and 94 of the Electricity Act, 2003 read with Regulations 103, 111 & 112 of the CERC (Conduct of business) Regulations, 1999 for clarification of Order dated 2.11.2012 passed by the Hon'ble Commission in Petition No.117/MP/2012 relating to Anticipated delay in the declaration for commercial operation date for the 2X220 MW NLC-Thermal Power Station-II Expansion Power Plant.

And in the matter of

EMCO Energy Limited, Mumbai

....Petitioner

Vs

Western Regional Load Despatch Centre, Mumbai

....Respondent

Petition No. 27/RP/2012

In

Petition No.117/MP/2012

In the matter of:

Review Petition under section 94(1)(f) of the Electricity Act, 2003 seeking review of order dated 2.11.2012 and directions.

And in the matter of:

M/s KSK Mahanadhi Power Co. Ltd.

.....Review Petitioner



Parties Present:

1. Shri M.G. Ramachandran, Advocate, EMCO
2. Shri Prashant Panda, EMCO
3. Shri Sanjay Sen, KSK Mahanadhi Power Co. Ltd.

ORDER

1. Petition No.259/MP/2012 has been filed by the petitioner, EMCO Energy Ltd.

Mumbai, for the following reliefs:-

- (a) Hold that the direction contained in the Order date 2.11.2012 in Petition No.117/MP/2012 directing the amendment of the procedure for drawl of power in Clause 6.2 of the Detailed Procedure shall not affect the generators who have commenced the pre-commissioning and are in the process of commissioning and declaring commercial operation as in the case of the Petitioner herein;
- (b) Direct the WRLDC to allow the Petitioner to draw power for testing and commissioning purposes through UI till declaration of COD of the generating units subject to the final decision / outcome of the present proceeding before the Hon'ble Commission.
- (c) Pass urgent and immediate orders in terms of Prayers (a) and (b) above;
- (d) Initiate proceedings to consider the implication of the withdrawal of UI mechanism for drawl of power for commissioning and hear all interested and concerned parties.



(e) Pass any such further order or orders as this Hon'ble Commission may deem fit in the facts and circumstances of the case.

2. The Petitioner EMCO Energy Ltd., Mumbai, has submitted that it is developing a 2X300 MW coal based power project at Warora Taluka of Chandrapur district of Maharashtra. The project is ready for synchronization, testing and commissioning in the first week of December, 2012. The petitioner has been drawing power for commissioning activities from the grid under UI in accordance with the provisions of the Connectivity Regulations. The petitioner has submitted that in view of the order of the Commission dated 2.11.2012 in Petition No.117/MP/2012 under which the Commission has deleted the words "including drawl of power for commissioning activities" in clause 6.2 of the Detailed Procedure issued under the Connectivity Regulations, the petitioner has been asked by WRLDC on 16.11.2012 not to draw power from the grid under UI for testing and commissioning activities.

3. Learned Counsel for the petitioner submitted that the generating station is connected at 400 kV level only to the CTU network. There is no connection to the STU network and the construction power has been taken by the petitioner from Maharashtra State Distribution Co. Ltd. through 33 kV line which is not sufficient for carrying the power for commissioning activities requiring at least 15 to 20 MW. The petitioner has further submitted that the petitioner and other affected generators were not parties to the Petition No.117/MP/2012 and the directions in the impugned order for deletion of the provisions relating to drawl of start-up power under UI from clause 6.2 of the Detailed



Procedures has been passed without giving notice or opportunity of hearing to them. Accordingly, petitioner has sought a clarification that the direction to withdraw the provisions regarding drawl of UI power under clause 6.2 of the Procedure should not affect in any manner the generating stations which have already taken steps and have commenced the activities of pre-commissioning, testing, synchronization and are scheduled to commission their generating stations shortly.

4. Learned Counsel for the petitioner requested that keeping in view the urgent requirement of power for testing and commissioning, direction to maintain ***status-quo*** as on 16.11.2012 may be issued by the Commission.

5. RP No. 27/RP/2012 in Petition No. 117/MP/2012 (NLC vs SRLDC) has been filed by the KSK Mahanadhi Power Co. Ltd., seeking following reliefs:-

(a) Review the order dated 2.11.2012 passed in Petition No.117/MP/2012, to the extent of the amendment of the CTU procedure regarding drawl of power in Clause 6.2 of the regulations;

(b) Alternatively, direct the WRLDC to allow the Review Petitioner as a special case to draw power till the testing and commissioning of the Unit No.3 (1st unit of the project) is completed on UI rates from the ISTS, in terms of the detailed procedure; and

(c) pass such other order or orders as this Hon'ble Commission may deem fit and proper under the facts and circumstances of the present case and in the interest of justice.

6. The review petitioner has submitted that it is in the process of commissioning the first unit of 6X616 MW Thermal Power plant in the state of Chhatisgarh. The power plant is connected to CTU and in terms of applicable regulations and procedures WRLDC has permitted the petitioner to draw power from the grid for commissioning activities. The review petitioner has submitted that the Commission has withdrawn the facilities of drawl of UI power for commissioning and testing activities vide its order dated 2.11.2012 in Petition No.117/MP/2012, without giving an opportunity to other stakeholders to make their submissions. The review petitioner has submitted that since its generating station has been drawing power from the grid under the UI, it should be allowed to draw power till its power plant is commissioned.

7. The representative of NTPC who was present during the hearing submitted that NTPC is also facing similar difficulties in respect of its generating stations under commissioning such as Mauda, Barh-II etc. He submitted that most tariff orders issued by State Commissions do not have a category of consumers for supply at 220 KV/400 KV voltage level and therefore, for enabling the generating stations to draw start-up power as a consumer at 220 kV/400 kV from the state system, a separate category of consumers would need to be created by the concerned State Commission which may take time. He further submitted that as the drawl would be through the transmission



systems of CTU or inter-State transmission licensees, open access and energy accounting issues would also need to be settled which may take time and may delay the commissioning activities.

8. We have considered the issues raised in the petitions. The Commission in its order dated 2.11.2012 in Petition No.117/MP/2012 had directed to delete the words “including drawl of power for commissioning activities” in clause 6.2 of the Detailed Procedure issued under Connectivity Regulations, as the same was not in conformity with the provisions of Connectivity Regulations. At the same time, the Commission had directed the staff to examine the issue of making provision for drawl of start-up power under UI in the Connectivity Regulations through proper amendment. On account of the above decision, a number of generators, who had arranged their affairs to conduct testing and commissioning by drawing UI power from the grid, are facing difficulties to arrange power for these activities through some form of access at such short notice, affecting their schedules for completion of testing and commissioning activities. Considering the fact that a generic issue of drawal of start-up power for testing and commissioning activities affecting the generating stations is involved, we admit the petitions and issue of notice to the respondents. The respondents shall file their replies to the petitions by 30.12.2012. Rejoinders if any shall be filed by 10.1.2013.

9. As an interim measure, we direct that pending consideration of the issue raised in these petitions, concerned RLDCs shall permit the Petitioner and the Review Petitioner and similarly placed generators including the petitioner in Petition



No.117/MP/2011 to draw power from the grid under UI for testing and commissioning activities, subject to fulfillment of the requirements of grid security and compliance of the directions of RLDCs, till further order.

10. The matter shall be listed for hearing on 17.1.2013.

sd/-
(M. Deena Dayalan)
Member

sd/-
(V.S. Verma)
Member

sd/-
(S. Jayaraman)
Member

