

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. MP/013/2014

- Subject : Petition under section 79 (1) of the Electricity Act, 2003 read with Chapter- V of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulation 22 (6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 for allowing recovery of energy charges shortfall during the period of 2009-14 as well as the modification of design energy for the succeeding years for calculation of ECR till the energy charge shortfall of the previous years has been made up for the Ranganadi Hydro Electric Plant (RHEP), where actual energy generated by the station during a year is less than its approved design energy for reasons beyond the control of the generating company.
- Date of hearing : 18.3.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member
- Petitioner : North Eastern Electric Power Corporation Limited
- Respondents : Assam Power Distribution Company Limited and others
- Parties present : Ms. Elizabeth Pyrbot, Advocate, NEEPCO
Shri Pradeep Kumar Singha, NEEPCO
Shri Paresh Ch. Barman, NEEPCO
Shri D. Choudhary, NEEPCO

Record of Proceedings

The representative of the petitioner submitted as under:

(a) Ranganadi Hydro Electric Project (RHEP) located at Lower Subansiri district in the State of Arunachal Pradesh having installed capacity of 405 MW (3X135 MW) was commissioned in the year 2002. The Design Energy of the Power Station as approved by the CEA is 1509.66 MUs.

(b) Though the actual plant availability factor achieved by the power station in each year during the period 2009-12 was more than NAPAF of 85%, actual

generation was much less than the design energy due to low rainfall, which is beyond the control of the petitioner.

(c) Regulation 22 (6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (2009 Tariff Regulations) provides for treatment, which shall be applied on a rolling basis, in case the actual total energy generated by a hydro generating station during a year is less than the design energy for reasons beyond the control of the generating company. However, said regulation does not specify any clear procedure for calculation of modified design energy for a year for calculation of ECR till the energy charge shortfall the previous year has been made due to less generation for reasons not attributable to the generating company.

(d) In this regard, number of discussions were held in various meetings of Commercial Co-ordination Committee (CC) of NERPC. In the 18th CC meeting held on 14.3.2012, it was decided that in absence of any clear cut guidance on the said issue, NERPC will take up the matter with CERC. Subsequently, in the 19th CC meeting held on 26.3.2013, the Committee advised the petitioner to file petition before CERC in this regard.

(e) The representative of the petitioner requested to allow NEEPCO to bill and recover the energy charge shortfall for the financial years 2009-10, 2010-11 and 2011-12 in terms of Regulation 22 (6) (i) of the 2009 Tariff Regulations and approve the modified design energy calculated by NEEPCO for the purpose of calculating energy charge rates till the recovery of energy charge shortfall due to less generation during 2009-10 to 2011-12.

4. After hearing the learned counsel, the Commission directed to admit the petition and issue notice to the respondents.

5. The Commission directed the petitioner to serve copy of the petition on the respondents by 6.4.2014. The respondents were directed to file their replies by 25.4.2014, with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 8.5.2014.

6. The Commission directed the petitioner to file following information/clarification on affidavit, on or before 15.4.2014:

(a) Figure of "generation loss due to system constraints" and "generation loss due to machine outages" (as indicated at para 11 of the petition) duly vetted by NERLDC; and

(b) Clarification to the effect that why the figures of AFC for the period 2009-12 used for calculating the shortfall are at variance from AFC approved by the Commission in Petition No. 296/2009

7. The Commission directed NERLDC to depute an officer well acquainted with the facts of the case on the next date of hearing to assist the Commission.

8. The petition shall be listed for hearing on 20.5.2014.

By order of the Commission
Sd/-
(T. Rout)
Chief (Law)