

**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 : 20.5.2014
- 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 : Shri Paresh Ch. Barman, NEEPCO  
Shri Rana Bose, NEEPCO  
Ms. Elizabeth Pyrbot, NEEPCO  
Shri Bishwjit Medhi, NERLDC  
Shri H.M.Sharma, APDCL

**Record of Proceedings**

The representative of the Assam Power Distribution Company Limited (APDCL) submitted as under:

- (a) The present petition regarding reduction of design energy does not come under the purview of CERC and it should be looked into by Central Electricity Authority and CWC;

(b) Central Electricity Authority has already reduced the design energy of Ranganadi HEP from 1874 MUs to 1509.69 MUs after taking into consideration all the parameters and study of water availability data for a period of 23 years, based on the petitioner's letter dated 13.9.2002.

(c) The petitioner should file a comprehensive petition for the period 2009-14 at the time of truing up. Since it has impact on tariff of the generating station, the petitioner should publish notices in the newspaper with requisite details in accordance with relevant regulations.

2. The representative of the petitioner submitted as under:

(a) The present petition has been filed for reduction of design energy which is required to meet the provision of Regulation 22 (6) (i) of 2009 Tariff Regulations for a particular period i.e 2009-10 to 2011-12, till the energy charge shortfall of these years has been made up.

(b) APDCL is mixing the present petition with truing up case which is not so. The present has been filed for recovery of energy charges due to shortfall in actual generation, which is not attributable to the petitioner.

(c) The earlier review of design energy (1874 MUs) by CEA was carried out utilizing revised inflow data series near Yazali dam site for a period of 23 years from 1978-79 to 2000-01. CEA vide letter dated 30.1.2004 informed the revised design energy of Ranganadi HEP as 1509.69 MUs.

(d) Despite maintaining plant availability in the range of 90% to 99% during these years, NEEPCO could not achieve generation up to annual design energy and therefore, attributed the reasons as low inflows.

3. The representative of NERLDC submitted that based on the request of the petitioner, NERLDC has certified the loss of generation due to system constraints and duration of machine outages during the years 2009-10 to 2011-12. The representative of NERLDC submitted there were certain variations in the figures quoted by the petitioner on the loss of generation due to system constraints. He expressed its inability to certify energy loss due to machine outages due to non-availability of authentic data.

4. The Commission observed that since there has been loss in generation vis-à-vis design energy during the tariff period, the petitioner should file a comprehensive petition for compensation of loss in generation rather than filing petition for allowing balance compensation. In response, the representative of the petitioner submitted that the present petition falls under Regulation 22 (6) (i) of the 2009 Tariff Regulations when the energy shortfall occurs within ten years from the date of commercial operation of the generating station. The claim of compensation when the energy shortfall occurs after ten years from the date of commercial operation, will be covered under Regulation

22 (6) (ii) of the 2009 Tariff Regulations for which the years under consideration will be up to 2014-15.

5. The Commission observed that there is no provision under the 2009 Tariff Regulations for certification of inflows at the project site by a third party. However, the same may be got verified from CEA/CWC.

6. The Commission directed the petitioner to verify the inflows data, as given in the petition from CEA/CWC to ascertain loss of generation during the years 2009-10 to 2011-12 as claimed by the petitioner and submit its report in this regard by 7.7.2014.

7. The Commission directed the petitioner to serve copy of the affidavit dated 15.4.2013 on the respondents who may file their responses by 18.6.2014 with an advance copy to the petitioner.

8. Subject to above, the Commission reserved the order in the petition.

By order of the Commission

Sd/-  
(T. Rout)  
Chief (Law)