

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.244/GT/2013

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri M.Deena Dayalan, Member

Shri A.K. Singhal, Member

Date of Hearing: 6.3.2014

Date of Order: 6.5.2014

IN THE MATTER OF

Approval of generation tariff of Rampur Hydroelectric Project (412 MW) for the period from the anticipated date of commercial operation of first Unit till 31.3.2014.

AND IN THE MATTER OF

SJVNL Limited, New Shimla

.....Petitioner

Vs

1. Electricity Department, Union Territory of Chandigarh, Chandigarh
2. Power Development Department, Govt of J&K, Jammu
3. Uttarkhand Power Corporation Ltd, Dehradun
4. Jaipur Vidyut Vitaran Nigam Ltd, Jaipur
5. Ajmer Vidyut Vitaran Nigam Ltd, Ajmer
6. Jodhpur Vidyut Vitaran Nigam Ltd, Jodhpur
7. Haryana Power Purchase Centre, Panchkula
8. Himachal Pradesh State Electricity Board, Shimla
9. Government of Himachal Pradesh, Shimla
10. Uttar Pradesh Power Corporation Ltd, Lucknow
11. Punjab State Power Corporation Ltd, Patiala
12. Tata Power Delhi Distribution Company Ltd, New Delhi
13. BSES-Rajdhani Power Ltd, New Delhi
14. BSES-Yamuna Power Ltd, Delhi

....Respondents

Parties present:

Shri Rajeev Agarwal, SJVNL
Shri Romesh Kapoor, SJVNL
Shri Ritesh Gupta, SJVNL
Shri Mukul Sharma, SJVNL
Shri M.Mahesh, SJVNL
Shri Pardeep Chauhan

ORDER

This petition has been filed by the petitioner, SJVNL for approval of generation tariff in respect of Rampur HE Project (6 x 68.67 MW) ('the project') for the period from the anticipated date of commercial operation of the Unit-I till 31.3.2014 in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 ('the 2009 Tariff Regulations').

2. In the said petition filed by the petitioner during July, 2013 the anticipated date of commercial operation (COD) of the six units of the generating station was shown as under:

Unit-1	23.10.2013
Unit-2	31.10.2013
Unit-3	1.1.2014
Unit-4	17.12.2013
Unit-5	17.11.2013
Unit-6	1.12.2013

3. The respondents MSEDCL and UPPCL vide their affidavits dated 16.8.2013 and 30.8.2013 respectively had filed replies to the petition.

4. The petitioner was directed to submit additional information and the same was submitted by the petitioner vide affidavits dated 17.10.2013 and 18.11.2013 respectively. In its affidavit dated 17.10.2013, the petitioner submitted that Unit-I of the generating station was expected to be declared under commercial operation by February, 2014 and the remaining units to be commissioned till April, 2014. Accordingly, the petitioner had prayed for determination of provisional tariff of Unit-I till 31.3.2014 in terms of Regulation 5(4) of the 2009 Tariff Regulations.

5. Thereafter, the petitioner vide its affidavit dated 3.3.2014 had revised the completion schedule and prayed for revision of annual fixed charges for the units (on *pro rata* basis) based on the anticipated dates of commercial operation of generating units/ station as under:

Unit-1	23.3.2014
Unit-2	31.3.2014
Unit-3	17.4.2014
Unit-4	1.5.2014
Unit-5	17.5.2014
Unit-6	31.5.2014

6. The petition was listed for hearing on 6.3.2014 and the Commission after hearing the petitioner, directed the petitioner to submit the CEA approval of the annual design energy and also take necessary steps to pursue the matter with the Ministry of Power, GOI for approval of RCE-I and submit the same, on affidavit, with copy to the respondents. Accordingly, order in the petition was reserved.

7. Subsequently, the petitioner vide its affidavit dated 2.4.2014 has submitted as under:

“At the time of filing of this petition, it was apprehended that Rampur HE Project may be declared under commercial operation in the year 2013-14. However, SJVNL could achieve only the synchronization of three units of Rampur HEP with the grid on 19.3.2014, 21.3.2014 & 29.3.2014 in accordance with the CERC 2009 Tariff Regulations. Infirm power generated from the project is being injected to the grid. It is now expected that two units of Rampur HEP would be declared under commercial operation in April, 2014, thereafter two units in May, 2014 and remaining two units in June, 2014.”

8. We now examine the submissions of the petitioner. Admittedly in the present case the dates of commercial operation of the units of the generating station have undergone revisions as stated above and the petition which was filed in July, 2013 in terms of Regulation 5(1) of the 2009 Tariff Regulations continues to be amended based on the revisions in the anticipated date of commercial operation of the units. Even though two units of the generating station was expected to be under commercial operation during the year 2013-14 and the remaining units during 2014-15, none of the units could be declared under commercial operation by the petitioner till 31.3.2014, during which period the provisions of the 2009 Tariff Regulations are applicable. For the units which are expected to be declared under commercial operation during 2014-15, the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 ('the 2014 Tariff Regulations') would be applicable. In the above

backdrop, we find no reason to keep the petition pending without making any further headway, more so, when the units/project of the petitioner could not be declared under commercial operation during the period 2009-14. Keeping in view the totality of the circumstances, we are inclined to dispose of this petition.

9. 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 unit/generating station which are declared under commercial operation during 2014-19, in accordance with the provisions of the 2014 Tariff 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, who are at liberty to file their replies thereafter.

10. The filing fees deposited by the petitioner in respect of this tariff petition would however be adjusted against the tariff petition to be filed in terms of the liberty granted above.

11. Petition No. 244/GT/2013 is disposed of in terms of the above.

Sd/-
[A.K.Singhal]
Member

Sd/-
[M.Deena Dayalan]
Member

Sd/-
[Gireesh B. Pradhan]
Chairperson