

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 160/MP/2015

Subject : Petition under Section 79(1) (f) of the Electricity Act, 2003 read with Regulation 8 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff determination from Renewable Energy Sources) Regulations, 2012 and Regulation 111 and 119 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for applicability of Generic Tariff for 50 MW Rajgarh Solar PV Station of NTPC Limited.

Date of hearing : 18.8.2015

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : NTPC Limited

Respondent : Madhya Pradesh Power Management Company Limited

Parties present : Shri M.G. Ramachandran, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Shri Avinash Menon, Advocate, NTPC
Shri A.K. Brishai, NTPC
Ms. Suchitra Maggon, NTPC
Shri Sachin Jain, NTPC

Record of Proceedings

Learned counsel for the petitioner submitted as under:-

(a) The present petition has been filed for adjudication of dispute with regard to applicability of Generic Tariff for 50 MW Solar PV Project of NTPC Ltd. at Rajgarh Solar PV Station.

(b) Proviso under Regulation 8(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff determination from Renewable Energy Sources) Regulations, 2012 (RE Regulations) provides that (i) the Power Purchase Agreements in respect of the Solar PV projects and Solar

thermal projects are signed on or before last day of the year for which generic tariff is determined and (ii) the entire capacity of the next year in respect of Solar PV projects and on or before 31st March of the next year in respect of Solar PV projects and on or before 31st March of subsequent two years in respect of Solar thermal projects. The expression 'on or before the last date of the year' appearing in the proviso could be one or two years before commissioning of the plant as the case may be.

(c) Regulation 3 of RE Regulations provides that the said regulation shall be applicable in cases where tariff for a generating station or unit thereof based on renewable sources of energy is to be determined. Therefore, Regulation 3 and Regulation 8 (2) of RE Regulations are to be interpreted harmoniously.

(d) Consideration of each module as a separate unit has also been provided in Regulation 2 (14) of the Central Electricity Authority (Technical Standards for connectivity to Grid) Regulations, 2007 (CEA Regulations) as amended vide notification dated 15.10.2013.

(e) In line with Regulation 2 (14) of the CEA Regulations, the petitioner has commissioned modules with generation capacity of 30 MW on 31.3.2014 (In FY 2013-14) and 20 MW on 30.4.2014 (in FY 2014-15).

(f) By harmoniously constructing the provisions of Regulation 2 (14) of CEA Regulations with Regulations 3 and 8 (2) of RE Regulations, the tariff is payable to the petitioner for 30 MW at the rate specified in the financial year 2012-13 and for 20 MW at the tariff rate specified for the financial year 2013-14.

(g) The respondent, MP Power Management Company Limited, has disputed the tariff based on the commissioning of the modules as above and is insisting on the applicability of the tariff notified for 2013-14 on the plea that the entire capacity was commissioned in 2014-15.

2. The Commission observed that since the entire capacity was commissioned in the year 2014-15, the tariff of the generating station should be based on the tariff for the year 2013-14. In response, learned counsel for the petitioner submitted that in case where 45 MW out of 50 MW was commissioned in a particular year and the remaining 5 MW is commissioned after a long time, it needs to be considered whether tariff should be denied for 45 MW till the balance 5 MW is commissioned even though power is generated and supplied for the module of 45 MW.

3. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondent.

4. The Commission directed the petitioner to serve copy of the petition on the respondent immediately. The respondent was directed to file its reply by 11.9.2015 with an advance copy to the petitioner who may file its rejoinder, if any, by 21.9.2015.

5. The petition shall be listed for hearing on 29.9.2015.

By order of the Commission

(T. Rout)
Chief (Law)