

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 18/RP/2015

Subject : Review of Commission's order dated 10.7.2015 in Petition No.197/GT/2013 regarding approval of generation tariff for Circulating Fluidized Bed Consumption (CFBC) Technology based Barsingsar Thermal Power Plant (2 X 125 MW) of Neyveli Lignite Corporation Limited for the period from the COD of Units-I and II till 31.3.2014

Date of hearing : **17.11.2015**

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

Petitioner : Neyveli Lignite Corporation

Respondents : Jodhpur Vidyut Vitran Nigam Ltd & 2 others

Parties present : Shri M.G. Ramachandran, Advocate, NLC
Ms. Anushree Bardhan, Advocate, NLC
Shri Rakesh Kumar, NLC
Shri R. Mohan, NLC
Shri K. Nambirajan, NLC
Ms. Akansha Wadhwa, NLC
Shri Dinesh Mittal, NLC
Shri B. L. Sharma, Advocate, Rajasthan discoms
Shri Tarun Ahuja, Advocate, Rajasthan discoms

Record of Proceedings

During the hearing, the learned counsel for the petitioner submitted as under:

- (a) As regards the time overrun for the period upto synchronization, the Commission in Para 19 of its order dated 10.7.2015 had concluded that the said delay was due to factors beyond the control of the generating station. Similarly, the delay due to non-achievement of COD of the respective units from the date of synchronization to the date of actual COD was solely on account of adoption of new technology. The reasons given by the Commission in para 20 of the order for disallowance of time overrun do not relate to the work to be undertaken from the date of synchronization to the actual COD. Considering the reason given in para 19 of the order, the entire time overrun ought to have been allowed in terms of clause 7.4 (ii) of the judgment of the APTEL dated 27.4.2011 in Appeal No. 72 of 2010.
- (b) There is error apparent on the face of the record in considering the adjustment of IDC as reduction in capital cost of ₹1620.89 crore as against ₹1750.64 crore.



- (c) There has been double adjustment of amount of ₹60.93 crore towards infirm power. This may be rectified at the time of truing-up of the tariff of the generating station.
- (d) The adjustment of 50% of LD in para 31 of the order is in excess to the 50% of the total LD recovered due to delay in all packages.
- (e) Certain arithmetical/ computation errors with regard to gross normative equity, gross notional loan, etc. may also be rectified.

3. The learned counsel appearing for the respondent, Rajasthan discoms submitted as under:

- (a) The petitioner is liable to bear the additional cost towards time overrun as it was aware of the fact that the CBFC is a new technology and should have accounted for eventualities with an action plan and with specialized personnel to deal with specific issues while providing the schedule for commissioning.
- (b) There has been lack of labour management and imprudence in planning on the part of the petitioner and hence, the petitioner is liable for time overrun.
- (c) The petitioner cannot claim further relaxation of time overrun due to the acts of M/s. BHEL as they have already accounted for the same by accepting the LD.
- (d) All other reasons given by the petitioner for review of the order is not admissible and the review petition may be rejected.

4. The Commission after hearing the parties reserved its order in the petition.

By Order of the Commission

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

