

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 85/GT/2016

Subject : Approval of tariff of Patratu Thermal Power Station for the period from the date of takeover i.e.1.4.2016 to 31.3.2019.

Date of hearing : **15.11.2016**

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

Petitioner : Patratu Vidyut Utpadan Nigam Limited

Respondent : Jharkhand Bijlee Vitran Nigam Limited

Parties present : Ms. Suparna Srivastava, Advocate, PVUNL
Shri Rajeev Choudhary, NTPC
Shri Shankar Saran, NTPC
Shri Umesh Ambali, NTPC
Shri Ramesh P. Bhatt, Senior Advocate, JBVNL
Shri Ajit Kumar, Senior Advocate, JBVNL
Shri Mohit Kumar Shah, Advocate, JBVNL
Shri Himanshu Shekhar, Advocate, JBVNL
Shri Navin Kumar, Advocate, JBVNL
Shri Aabhas Parimal, Advocate, JBVNL
Shri Jamnesh Kumar, Advocate, JBVNL
Shri Rishi Nandan, JBVNL
Shri Rakesh Ranjan, JBVNL

Record of Proceedings

This petition has been filed by the petitioner, PVUNL for approval of tariff of Patratu Thermal Power Station ('the generating station') for the period from the date of takeover i.e.1.4.2016 to 31.3.2019 in terms of the provisions of the CERC (Terms and Conditions of Tariff) Regulations, 2014 ('the 2014 Tariff Regulations').

2. The learned counsel for the petitioner submitted that the additional information sought by the Commission has been filed and copy has been served on the respondent. She also submitted that apart from Unit-10, from which power is supplied to the respondent, Unit-4 of the generating station has been synchronized. The learned counsel further submitted that billing for the energy supplied to the respondent is being done on adhoc basis as per agreed provisions of the PPA dated 30.3.2016, but no payments are forthcoming from the respondent, despite several joint meetings between the parties. Accordingly, the learned counsel prayed that the respondent may be directed to pay the charges for the energy supplied from the unit of the generating station.

3. The learned counsel for the respondent submitted that it may be granted time to file its reply as the copy of the additional information filed by the petitioner has not been received. The learned counsel objected to the submission of the petitioner regarding the non-payment of charges by the respondent and clarified that an amount of ₹48 crore has been paid to the petitioner. He also submitted that the meetings held between the parties on various other outstanding issues remain inconclusive and settlement is yet to be arrived at. The learned counsel further submitted that the Commission may determine the tariff of the generating station after completion of pleadings in the matter.



4. In response, the learned counsel for the petitioner clarified that copies of the additional information had already been served on the respondent. She however agreed to handover a copy of the same to the respondent again. The learned counsel pointed out that out of the total claim of Rs 137 crore, payment of Rs 48 crore for the period April, 2016 to June, 2016 has been made by the respondent, with unilateral deductions. She also submitted that the respondent may be directed to make its stand clear on various issues raised by the petitioner, on affidavit, including the payment of adhoc charges billed. The learned counsel further clarified that the respondent may be directed to pay the adhoc charges in terms of the PPA, subject to adjustment after determination of tariff by the Commission.

5. On a specific query by the Commission as to why bills have not been paid, despite the respondent availing the energy supplied from the generating station, the learned counsel for the respondent reiterated that there is no denial of payment and added that various outstanding issues are required to be settled by the parties. The Commission expressed its concern on the non-payment of bills of the company in which the respondent is a JV partner and directed the petitioner to submit on affidavit, on or before 30.11.2016, the following:

(a) the adhoc rates and the capacity on which the respondent is billed;

(b) the break-up of the charges (fixed charges and variable cost) on which bills are raised on the respondent; and

(c) the details of payment made by the respondent against the bills.

6. The Commission also suggested that Senior officials of both the parties shall work together to find an amicable solution to all outstanding issues, including the payment of adhoc bills for the energy supplied by the petitioner.

7. The Commission also directed the petitioner to serve the copy of the additional information (as per ROP dated 29.9.2016) on the respondents, if not already served, and the respondent shall file its reply by 5.12.2016, with copy to the petitioner, who shall file its rejoinder, if any, by 12.12.2016.

8. Matter shall be listed for hearing on 22.12.2016. Pleadings in the matter shall be completed prior to the date of hearing and no extension of time shall be granted.

By Order of the Commission

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

