

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 311/MP/2015

Subject : Petition praying for appropriate directions restraining the Respondent from recovering the Energy Charge Rate strictly in terms of the Tariff Regulations framed by the Commission.

Date of hearing : 31.3.2016

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

Petitioner : TATA Power Delhi Distribution Limited

Respondent : NTPC Limited

Parties present : Shri Sanjay Sen, Senior Advocate, TPDDL
Shri Alok Shankar, Advocate, TPDDL
Shri Sumit Sachdev, TPDDL
Ms. Shimpy Mishra, TPDDL
Shri M. Chakraborty, TPDDL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to NTPC to recover energy charge rate in accordance with the provisions of the applicable Tariff Regulations. Learned senior counsel further submitted as under:

(a) Despite the issue of recovery of energy share being agitated by the petitioner in Petition No. 33/MP/2014 and suo-moto cognizance taken by the Commission on the issue of details of fuel cost not being submitted by the generating companies, the respondent is not billing as per the provisions of tariff regulations.

(b) Recovery of energy charge rate under the invoice raised by the respondent is far in excess of energy charge computed by the petitioner as per the formula specified in the Tariff Regulations. The respondent has made an excess recovery of Rs. 782.77 crore till August 2015.

(c) 2014 Tariff Regulations mandated that the energy charge rate has to be calculated taking into account the Gross Calorific Value (GCV) of coal as received at the generating station. The entire objective of the 2014 Tariff Regulations would be frustrated in the event generating company is allowed to recover charges for a higher GCV coal. GCV of coal as received and price thereof have to correspond to each other.

(d) As per Regulations 22 and 23 of the 2014 Tariff Regulations, energy charge rate is required to be determined taking into account the landed cost of primary fuel and the cost of secondary fuel. Therefore, the respondent is entitled to recover actual cost of procurement of coal from the beneficiaries.

2. After hearing the parties, the Commission admitted the petition and directed to issue notice to the respondent. The Commission directed the petitioner to implead Maithon Power Limited and DVC as party to the petition and file revised memo of parties.

3. The Commission directed the petitioner to serve copy of the petition on the respondent including Maithon Power Limited and DVC, by 8.4.2016. The respondents were directed to file their replies, on affidavit, by 22.4.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 6.4.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 12.5.2016.

**By order of the Commission
Sd/-**

**(T. Rout)
Chief (Law)**