

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 82/MP/2016

- Subject : Petition under Section 79(1)(a) of the Electricity Act, 2003 read with 2009 Tariff Regulation for the extension of PPA dated 22.12.1995 with erstwhile Haryana State Electricity Board(Now Haryana Power Purchase Centre) for 10 years beyond 31.12.2015 .
- Date of hearing : 28.6.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : NTPC
- Respondents : Haryana Power Purchase Centre and others
- Parties present : Shri Sitiesh Mukherjee, Advocate, NTPC
Ms.AkanshaTyagi, Advocate, NTPC
Shri A. Basu Roy, NTPC
Shri R.K Sood, NTPC
Shri S.K Jain, NTPC
Shri A.K Bishoi, NTPC
Shri G. Umapathy, Advocate, HPPC

Record of Proceedings

Learned Counsel for the petitioner submitted that the present petition has been filed for extension of Power Purchase Agreement entered into with erstwhile Haryana State Electricity Board for ten years beyond 31.12.2015. Learned counsel for the petitioner further submitted as under:

(a) The petitioner entered into PPA Haryana State Electricity Board on 22.12.1995 for sale of electricity from Faridabad in Gas Power Station for a period of 15 years from the date of commercial operation of the last unit. Faridabad GPS was commissioned on 1.1.2001 and accordingly, has completed 15 years of operation on 31.12.2015.

(b) The petitioner vide its letters dated 31.3.2015 and 2.7.2015 requested Haryana Power Purchase Centre to expedite the approval of draft supplementary agreement with the concerned authorities to extend the validity

of the PPA in view of the increase in the useful life of the Gas Generating Stations from 15 to 25 years in the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2009.

(c) The Haryana Electricity Regulatory Commission (HERC) vide its order dated 29/31.12.2015, permitted the extension of PPA only for a period of six months i.e. till 31.6.2016.

(d) The petitioner approached HERC seeking clarification and directions on extension of the PPA which was dismissed by HERC vide its order dated 30.3.2016 on the ground of maintainability.

(e) NTPC is a Central Generating Station and is regulated by this Commission under Section 7(9)(1)(a) of the Act. In terms of the judgment of the Appellate Tribunal dated 4.9.2012 in Appeal No. 194 of 2012 (BSES Rajdhani Power Ltd. Vs Delhi Electricity Regulatory Commission and another), this Commission is the appropriate forum to which NTPC can approach for redressal of its grievances.

(f) Non-renewal of the PPA by HPCC adversely affects the interest of the petitioner as the petitioner would not be able to fully recover the cost of the generating station while the Haryana Utilities have reaped the benefits in the form of reduced tariff on account of extension of useful life of Gas Power Station from 15 years to 25 years.

2. Learned Counsel for HPCC submitted that the present petition is not maintainable before the Commission as the petition filed by Haryana Utilities is already pending before the Haryana Commission. Learned Counsel sought two weeks' time to file the reply to the petition including on the issue of maintainability.

3. After hearing the learned counsel for the parties, the Commission observed that Haryana Utilities should approach the HERC to expedite the extension of the validity of the PPA commensurate with the useful life of the Gas Power Project as per the provisions of the Tariff Regulations of this Commission.

4. The Commission directed HPCC to file its reply by 15.7.2016 with an advance copy to the petitioner who may file its rejoinder by 25.7.2016. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 9.8.2016.

6. The Commission directed that till the next date of hearing, status quo shall be maintained by the parties with regard to scheduling, dispatch and payment of tariff.

By order of the Commission

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