

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 89/MP/2016

- Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with (a) Regulations 2 (14) and 2 (30) read with Regulation 21 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, (b) Regulations 3 (15) and 3 (44) read with Regulation 30 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014, (c) Clause 5.5 of the Power Purchase Agreement dated 13.8.2009 entered into between the petitioner and PPCL; seeking adjudication of dispute between BSES Rajdhani Power Limited (BRPL) and Pragati Power Corporation Ltd regarding declaration of availability by Pragati-III combined cycle power project.
- Date of hearing : 28.7.2016
- Coram : Shri Gireesh B. Pradhan, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioners : BSES Rajdhani Power Limited
BSES Yamuna Power Limited
- Respondents : Pragati Power Corporation Ltd. and others
- Parties present : Shri Buddy Ranganathan, Advocate for the petitioners
Shri Vishal Gupta, Advocate for the petitioners
Shri Rahul Kinra, Advocate for the petitioners
Shri Abhishek Srivastava, BYPL
Shri Nishant Grover, BYPL
Shri Himanshu Chauhan, BRPL
Shri Kanishk, BRPL

Record of Proceedings

Learned counsel for the petitioners submitted that the present petition has been filed seeking adjudication of disputes between the petitioners and Pragati Power Corporation Ltd. (PPCL) regarding declaration of availability by Pragati-III combined cycle generating station. Learned counsel further submitted that since inception of the generating station, PPCL has been charging the fixed charges based on 85% NAPF by

way of wrongfully declaring the availability in absence of sufficient gas supply arrangement.

2. Learned counsel submitted that PPCL in its Tariff Petition No. 221/GT/2015 has claimed KG-D6 as firm source for declaring 85% NAPF for the control period 2014-19 which is not correct since gas from KG-D6 basin was reduced to zero in 2013. PPCL's projection of gas availability as 4.40 MMSCMD is contrary to the facts stated in the documents, namely "Power for all documents for Delhi" prepared by Ministry of Power, Govt. of India which claims the total domestic gas allocation of PPCL-III as only 1.00 MMSCMD in the near future against the requirement of 6.000 MMSCMD.

3. Learned counsel for the petitioner requested to admit the petition and adjudicate the dispute raised in the petition.

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

5. The Commission directed the petitioner to serve copy of the petition on the respondents by 12.8.2016. The respondents were directed to file their replies by 31.8.2016 with advance copy to the respondents who may file their rejoinders, if any by 13.9.2016. 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.

6. The petition shall be listed for hearing on 20.9.2016.

By order of the Commission

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