

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 33/MP/2016**

Subject : Petition under Section 79 (1) (a) of the Electricity Act, 2003 read with CERC (Terms and Conditions of Tariff) Regulations, 2014 for relief on account of "Change in Law" affecting the Badarpur Thermal Power Station.

Date of hearing : 30.6.2016

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

Petitioner : NTPC Ltd.

Respondents : BRPL and five others

Parties present : Shri Sitesh Mukherjee, Advocate, NTPC  
Shri Deep Rao, Advocate, NTPC  
Ms. Akansha Tyagi, Advocate, NTPC  
Shri A. Basu Roy, NTPC  
Shri Prashant Chaturvedi, NTPC  
Shri Buddy Ranganathan, Advocate, BSES  
Shri Kanishk Khetarpal, Advocate, BSES  
Shri Alok Shankar, Advocate, TPDCL  
Shri Vishal, TPDDL  
Shri Darshan Singh, SLDC, Delhi  
Shri Susheel Gupta, SLDC, Delhi  
Shri Nishant Grover, BYPL

**Record of Proceedings**

Learned counsel for the petitioner requested for time to file rejoinder to the reply of BRPL and BYPL. Request was allowed by the Commission.

2. The representative of SLDC, Delhi submitted that NTPC is declaring 'Declared Capacity' for 3x95 MW units and has requested for certification of the 'Declared Capacity'.

3. In response to the Commission's query regarding the status of Stage-I units of BTPS, learned counsel for the petitioner submitted that all 3 units of 95 MW are available for generation. Learned counsel of the petitioner further submitted that without declaring the same, NTPC would not be in position to press any claim on account of these units.

4. Learned counsel for the petitioner submitted that TPDDL and BYPL have filed Petition Nos. 86/MP/2016 and 91/MP/2016 for de-commissioning and/or closure of BTPS Stage-I and re-determination of gross station heat rate of BTPS which are listed for hearing on 21.7.2016 and 28.7.2016 respectively and requested to club these petitions along with present petition for hearing.

5. After hearing the learned counsel for the petitioner and the representative of the respondents, the Commission directed the petitioner to file its rejoinder, by 22.7.2016 with an advance copy to the respondents. The Commission directed that due date of filing the rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The present petition and Petition Nos. 86/MP/2016 and 91/MP/2016 shall be listed for hearing on 18.8.2016.

**By order of the Commission**

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