

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.117/MP/2016

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Dr. M.K.Iyer, Member

Date of Order : 14th of September, 2016

In the matter of

Petition under Regulation 8 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 seeking permission to allow extension of the period for drawal of Start-up power and injection of infirm power of Commissioning and testing including full load testing of Unit No.1 (250 MW) of Nabinagar TPP (4X250 MW), beyond six months from initial synchronization.

And

In the matter of

Bhartiya Rail Bijlee Company Ltd.
Nabinagar Thermal Power Project
Post-Khaira, Distt. Aurangabad
Bihar-824 303

...Petitioner

Vs

Power System Operation Corporation Limited
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi-110 016

.....Respondent

Parties Present:

Shri Nirmal Kumar Singh, BRBCL

ORDER

This petition has been filed by the petitioner, Bhartiya Rail Bijlee Company Limited, a Joint Venture company of NTPC Ltd. and Railway, seeking permission of the

Commission for drawl of start up power and injection of infirm power into the grid during testing including full load testing beyond the period of 6 months from initial synchronization up to declaration of commercial operation of unit 1 of (4x250 MW) thermal power project (“the project”) at Nabinagar, Aurangabad district in the State of Bihar in terms of Regulation 8 of the Central Electricity Regulatory Commission (Grant of connectivity, Long-term Access and Medium-term Open access in inter-State transmission and related matters) Regulations, 2009 (Connectivity Regulations) as amended from time to time.

2. The petitioner has submitted that the unit-I (hereinafter called as ‘unit’) was synchronized on 20.3.2016 and it was planned to declare on commercial operation by 20.9.2016. However, due to the following reasons, the unit will not achieve COD by 20.9.2016:

(a) Originally coal was envisaged to be transported through railway wagons via ‘Nabinagar-Road’ railway station and unloaded at Track Hopper and Wagon tippers inside the plant premises. However, it could not materialize due to land acquisition problem for the railway track from Nabinagar-Road railway station to plant unloading point. Thereafter, it has been planned for the coal to be unloaded at temporary wharf-wall at Nabhinagar Road and thereafter its transportation by truck on road up to plant coal stockyard. Work of Road from Nabinagar to plant is yet to be awarded by RWD. Therefore, work for coal supply to plant to stockyard would not be completed by October, 2016.

(b) Original make-up water system is not ready due to land acquisition problem. Therefore, requirement of make-up water for the plant is temporarily planned to be fulfilled by installation of a set of barge pumps on Sone river. However, due to rainy season, it would be difficult to put on temporary barge arrangement on Sone river till the river level goes down. Therefore, all these works are expected to be completed by December 2016.

(c) The work of Ash Dyke construction problem under original contract could not be completed due to land acquisition problem and other local issues. With the start of rainy season, earth works would certainly be affected. The work of ash dyke along with AWRS for sustainable operation of unit would be completed by March 2017.

(d) The work in plant premises was completely stopped from 23.5.2016 to 31.5.2016 due to dharna by Visthapit Samiti and Mazdoor Sangh. No works could be carried out in boiler area from 1.6.2016 to 17.6.2016 due to strike by workers. The strike was called off on 17.6.2016. However, all mobilization of skilled workforce took about three weeks.

3. The petitioner has submitted that despite its best efforts, unit of the project cannot be declared under commercial operation within the stipulated six months from initial synchronization. The petitioner has submitted that it is seeking extension of time for *bonafide* reasons for the completion of works and not for the purpose of deriving any

undue advantage of the same. The petitioner has requested to grant time upto 31.3.2017 for drawal of start-up power and injection of infirm power for commissioning and testing including full load testing of unit.

4. The matter was heard on 9.8.2016 after notice to the respondent. The petitioner, vide Record of Proceedings for the hearing dated 9.8.2016, was directed to submit full status report of all the pending activities and effective date of start and completion of each activity separately.

5. The petitioner, vide its affidavit dated 19.8.2016, has submitted the status report of all the pending activities and effective date of start and completion of each activity as under:

	Pending activity	Present status	Start date	Completion date	Remarks
CHP and Fuel Transportation					
1.	Extension of Railway-Track at Nabinagar under Deposit work by Railway	Formation work completed, Stone Dust spread for 500 m out of 850 m. Rail and sleeper has been stacked.	10.12.2015	15.9.2016	Pending activities are against the new arrangement of coal unloading at Nabinagar railway station and thereafter its transportation by Truck on road up to plant.
2.	Construction of Wharf wall by M/s GHCL	Earth work: 7000 cum out of 14000 Cum completed. Compaction:350m out of 750 m completed Drain:350 m out of 750 m completed	15.1.2016	15.9.2016	New arrangement planned due to land for 321 m for rail line corridor out of 4095 m. is yet to be acquired. Works got delayed due to land acquisition dispute at various scattered locations.
3.	Nabinagar Railway station to	Tender finalized and price bid opened on	20.8.2016	31.12.2016 (Motorable	Still as on date 3.5 acres of land is not acquired w.r.t Fuel

	plant road under deposit work by RWD	1.8.2016. LOA to be placed by 20.8.2016.		by 31.10.2016)	Transportation due to land dispute. Rainy season is badly affecting the associated work.
MAKE-UP SYSTEM					
	Two Make-up water lines of 700 NB of 5 KM each from plant to Sone river end at Kajrain	3 Km of one line completed, 2 km pending	8.11.2015	31.12.2016	2.25 acres of land acquisition of pending at river end and for pipe online corridor.
2	Barge pumping system	Barge pumps are available for installations	15.3.2016	31.10.2016	-
ASH DYKE and AWRS					
1	Earth work in formation of Dyke	20000 out of 875000 Cub.m. Excavated.	10.5.2016	15.3.2017	At present approx. 23 acres out of total 347 acres is in land dispute. Land dispute is expected to be resolved by 31.10.2016.
2	Slope protection works (5.32 km)	Nil	31.10.2016	31.3.2017	
3	Toe Drain (5.32 Km)	Nil	31.10.2016	31.3.2017	
4.	AWRS-Pump House-Civil Readiness	NIL	10.10.2016	28.2.2017	5.5 acres of land in the area of pump house is yet to be acquired (expected to be available by October 2016). Only 50% of land w.r.t pipe line corridor is available at present.
5	AWRS-Pump House-Mech readiness	Nil	1.12.2016	15.3.2017	
6	AWRS piping	Only 21 nos out of 243 pipe pedestal are completed	1.9.2016	28.2.2017	
Stabilization and trial run					
	Stabilization and trial run for declaration of COD	Unit-1 was synchronized on 20.3.2016	5.3.2017	31.3.2017	Beneficiaries will be informed 72 hours prior to trial run at full load.

6. During the course of hearing on 9.8.2016, the representative of the petitioner reiterated the submissions made in the petition and requested to grant permission to draw start-up power for commissioning activities and grant time for injection of infirm

power into the grid for commissioning tests including full load test of unit of the project upto 31.3.2017 or actual date of commercial operation, whichever is earlier.

7. We have considered the submission of the representative of the petitioner. The Fourth proviso to Regulation 8 (7) of the Connectivity Regulations, as amended from time to time, provides as under:

"Provided that the Commission may in exceptional circumstances, allow extension of the period for inter-change of power beyond the period as prescribed in this clause, on an application made by the generating station at least two months in advance of completion of the prescribed period:

Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view."

8. The petitioner has submitted that it is seeking extension of time for *bonafide* reasons for completion of the pending works. The petitioner has submitted that despite its best efforts, there is requirement of further period of six months to complete the required work related to coal transportation, make-up water system, Ash-Dyke and rectification of teething problems. The petitioner has submitted that all commissioning activities would be completed by 31.3.2017. Taking into consideration the problems faced by the petitioner, we allow extension of time for injection of infirm power into the grid and drawal of start-up power for the commissioning tests including full load test of unit up to 31.3.2017 or actual date of commercial operation, whichever is earlier. We expect the petitioner to make all efforts to ensure the commercial operation of the project by this date. It is, however, clarified that the extension of time granted as above shall not automatically entitle the petitioner for IEDC/IDC for the delay in declaration of

COD from the scheduled COD which will be decided in accordance with the relevant provisions of the tariff regulations.

9. With the above, the Petition No. 117/MP/2016 is disposed of.

Sd/-
(Dr. M.K.Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A. K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson