

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.199/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: 8<sup>th</sup> of November, 2016**

**In the matter of**

Petition under Regulation 8 of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 for seeking permission to allow extension of drawl of start-up power beyond fifteen months from the date of commencement activities including full load testing of Unit-1 (660 MW) of Solapur STPP (2X660 MW).

**And  
In the matter of**

NTPC Limited,  
NTPC Bhawan, Core-7, Scope Complex,  
7, Institutional Area, Lodhi Road, New Delhi-110 003

**...Petitioner**

**Vs.**

Power System Operation Corporation Limited  
B-9, Qutab Institutional Area  
Katwaria Sarai  
New Delhi – 110016

**Respondent**

**Parties Present:**

Shri Venkatesh, Advocate, NTPC Ltd.  
Shri N. Bhattacharya, Advocate, NTPC Ltd.  
Shri Ajay Dua, NTPC Ltd.  
Shri Nishant Gupta, NTPC Ltd.

## ORDER

This petition has been filed by the petitioner, NTPC Ltd. seeking permission of the Commission for drawl of start-up power for pre-commissioning activities including full load testing upto 6.5.2017 of unit-1 of 1320 MW (2X660 MW) Solapur Super Thermal Power Project (the Project) at Solapur district in the State of Maharashtra in terms of clause (7) 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 first unit of the project is in advanced stage of completion and is scheduled to be commissioned by March 2017. However, certain commissioning activities of unit-1 of the project have been delayed due to the following reasons:

(a) Right of Use (ROU) for land issue for makeup water line: Makeup water requirement for the project is to be met from Ujjani reservoir on Bhima River at a distance of about 119 kms from the project site. The Right of Use for the land was required from the Government for laying of makeup water line. Since, there is no ROU Act in the State of Maharashtra, the petitioner faced number of problems in land acquisition for laying out the pipeline. Accordingly, ROU got delayed by around eleven months due to resistance from the framers in lying of pipelines.

(b) Scarcity of Aggregate: The construction activities as well as commissioning activities have been delayed due to scarcity of construction materials like sand and aggregate, etc. The petitioner took up the matter with District Administration on regular basis for early resolution. The delay in auctioning of areas for sand exploration was on account of change in law and not attributable to the petitioner.

3. The petitioner has submitted that unit-I of the project was expected to be commissioned by October, 2016. However, despite best efforts and reasons beyond its control, the unit could not be commissioned within the stipulated time.

4. The petitioner has submitted that it is seeking extension of time for drawl of start up power for *bonafide* reasons for completion of the balance work like start up auxiliaries, testing and commissioning activities and not for any other purposes.

5. The matter was heard after notice to the respondent. No reply has been filed by the respondent. During the course of hearing, learned counsel for the petitioner submitted that due to reasons beyond control of the petitioner, COD of unit -1 could not be achieved and requested to grant time for drawl of start-up power for commissioning tests including full load test of unit-1 of the project upto 6.5.2017.

6. We have considered the submission 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.”

7. The petitioner has submitted that it is seeking extension of time for *bonafide* reasons for completion of balance works. The petitioner has submitted that due to number of problems in land acquisition for laying out makeup water pipeline and shortage of construction material such as delay in auctioning sand exploration areas, COD of unit-1 could not be achieved. We are of the view that non-availability of start-up power would hamper the progress of commissioning work which would jeopardize the commissioning activities and result in further delay in declaring COD of unit-1. Accordingly, we allow the petitioner to draw start-up power from the grid for unit-1 upto 6.5.2017. It is clarified that the extension of time as allowed in this order shall not automatically entitle the petitioner for IDC/IEDC for delay in declaration of COD which shall be considered on merit at the time of determination of tariff of the unit/generating station.

8. With the above, the Petition No. 199/MP/2016 is disposed of.

<b>Sd/-</b> <b>(Dr. M. K Iyer)</b> <b>Member</b>	<b>sd/-</b> <b>(A.S Bakshi)</b> <b>Member</b>	<b>sd/-</b> <b>(A.K.Singhal)</b> <b>Member</b>	<b>sd/-</b> <b>(Gireesh B. Pradhan)</b> <b>Chairperson</b>
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