

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 40/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: 20th of December, 2016

In the matter of

Petition under Regulation 31(3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for declared capacity and certification thereof by State Load Dispatch Centre of MP in respect of NHDC's hydro generating stations i.e. Indira Sagar Power Station (ISPS) and Omkareshwar Power Station (OPS).

And

In the matter of

NHDC Ltd.
NHDC Parisar, Shyamla Hills,
Bhopal-462 013

.....**Petitioner**

Vs

1. Madhya Pradesh State Load Despatch Centre
Rampur, Jabalpur (MP) -482 008
2. MP Power Management Company Ltd.
Shakti Bhawan, Vidyut Nagar,
Jabalpur-482 008
3. Narmada Valley Development Department
Govt. of Madhya Pradesh
Mantralaya, Vallabh Bhawan, Bhopal-462 004

.....**Respondents**

Following were present:

Shri Harshul Singh, Advocate, NHDC
Shri Vinod Kumar Singh, NHDC
Shri Manish Kumar Choudhary, NHDC
Shri Ashutosh Kumar, NHDC
Ms. Pooja Katara, NHDC
Shri Manoj Dubey, Advocate, MPPTCL

Shri R.A. Sharma, MPPTCL
Shri Ajasra Gupta, Advocate, MPPMCL

ORDER

The petitioner, NHDC Limited (formerly known as Narmada Hydroelectric Development Corporation Ltd.) has filed the present petition seeking direction to State Load Dispatch Centre, Madhya Pradesh (SLDC, Madhya Pradesh) to consider the generation station's daily ex-bus declared capacity for certifying DC and regularization thereof by issuing revised PAF for that period.

2. The petitioner is a joint venture company of NHPC Ltd. and the Government of Madhya Pradesh (GoMP) with an equity participation of 51% and 49% respectively. The petitioner company was established on 1.8.2000 with the objective for the development of hydro power potential in Narmada Basin of Madhya Pradesh and for execution of Indira Sagar project and Omkareshwer Power Station in terms of NWDT award on ownership basis. Ministry of Power, Government of India has allocated 100% power generated to Government of Madhya Pradesh through the generating stations at the tariff determined by the Commission.

3. The petitioner has commissioned Unit # I (Dam) and Unit III (generating station) of two major multipurpose projects, namely 1000 MW (8 x 125 MW) Indira Sagar Power Station (ISPS) and 520 MW (8 x 65 MW) Omkareshwar Power Station (OPS) on 25.8.2005 and 15.11.2007 respectively.

4. Indira Sagar Project is a multipurpose Storage Type Project and is the mother reservoir for all the downstream projects like OPS, Shri Maheshwer Hydro Electric Project (SMHEP) and Sardar Sarovar Project (SSP).

5. Madhya Pradesh SLDC (MPSLDC) is coordinating the schedule of ISPS and OPS as per the provisions of Regulation 6.4.2 (a) and (c) (ii) of Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (Grid Code).

Case of the Petitioner:

5. The petitioner has submitted that the following facts have led to filing of this petition:

(a) In compliance to Regulation 6.4 (16) of the Grid Code, ISPS is making advance declaration of ex-power plant MW and MWh capabilities foreseen for the next day, i.e., from 0000 hrs to 2400 hrs, as per the availability of generating Units and water releases/reservoir level finalised by Sardar Sarovar Reservoir Regulatory Committee (SSRRC) of Narmada Control Authority (NCA).

(b) In line with the ISPS capacity declaration and water releases, OPS makes its advance declaration of ex-power plant MW and MWh capabilities foreseen for the next day, i.e., from 0000 hrs to 2400 hrs, as per the availability of generating units and water releases through ISPS.

(c) MPSLDC is preparing and is finalizing the despatch schedule for these hydro generating stations for optimum scheduling and despatch of electricity with-in the State in terms of Regulation 6.5 of the Grid Code.

(d) The petitioner`s generating stations are complying with the directions issued by SLDC, Madhya Pradesh in terms of Regulation 2.7.2 of the Grid Code.

(e) Narmada Valley Development Department (NVDD), Government of Madhya Pradesh has appointed Collector, Khandwa, as Nodal Officer for coordination between NHDC and SLDC, Madhya Pradesh for operation related matters of ISPS and OPS. Collector Khandwa, vide its letter dated 5.2.2015 directed SLDC, Madhya Pradesh as well as ISPS and OPS to maintain the constant flow in the River Narmada on the occasion of Mahashivratri from 10.2.2015 to 18.2.2015 (9 days).

(f) During the said period i.e. from 10.2.2015 to 18.2.2015, ISPS and OPS were faithfully making daily Capacity Declaration (CD) based on the availability of generating units and best assessment of available water. All the eight generating units of ISPS and OPS were available for generation with the availability of sufficient quantity of water for making daily generation for more than three hours (i.e. 3 hrs x 8 machine = 24 machine hour, 976 MW / 2928 MWh for ISPS & 396 MW / 1188 MWh for OPS). Accordingly, ISPS and OPS had made their Declared Capacity (DC) as 976 MW / 8784 MWh (PAF 98.59%) and 396 MW / 3564 MWh (PAF 100%) ex-bus respectively for the even dates with 72 machine hours.

(g) SLDC, Madhya Pradesh has taken measures and prepared the despatch schedule of ISPS and OPS from 10.2.2015 to 13.2.2015 (Three days). While forwarding injection/despatch schedule of ISPS and OPS, SLDC, Madhya Pradesh referred to the discussion of MD, MPPMCL with Collector Khandwa regarding constant schedule from 6:00 AM of 13.2.2015. Even though on 13.2.2015, the units were scheduled as per the system requirement, as evident

from despatch schedule of ISPS i.e. varying from 0 MW to 488 MW (varying from 0 to 4 machines).

(h) SLDC, Madhya Pradesh scheduled the machines as per their requirement for the period from 14.2.2015 to 17.2.2015 and forwarded the even dated despatch schedule with the special footnotes, namely:

(i) In case of Emergency or system requirement, the schedule may be revised giving sufficient time for reporting to the local administration.

(ii) As per telephonic discussion with Collector Khandwa and Additional Collector Dhar and his letter No. 7188/ dt. 13.2.2015, constant schedule of ISPS & OPS shall be from 12:00 Hrs of 16.2.2015 to 08:00 Hrs of 18.2.2015.

(iii) Before 12:00 Hrs of 16.2.2015 ISPS & OPS M/C's can be run as per requirement of the system, but not more than 3 M/C's at a time.

(iv) Machine once stopped shall not be taken on bar during constant schedule period.

However, SLDC, Madhya Pradesh revised the schedule of OPS for two machines with effect from 14.2.2015 (03:00 hrs. onwards) as per their requirement.

(i) Maintaining the grid discipline, ISPS and OPS were operated adhering to the instruction / despatch schedule as finalised by SLDC, Madhya Pradesh.

(j) SLDC, Madhya Pradesh while notifying the State Energy Account (SEA) for the month of February, 2015 verified the monthly PAF of ISPS and OPS as 89.69% and 91.07% as against the claimed monthly PAF of 98.54% and 100% respectively as calculated by the petitioner in terms of Regulation 31 (3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations).

(k) The above discrepancy in PAF was brought into the notice of SLDC, Madhya Pradesh through several correspondences and the petitioner requested to review the discrepancy in certification of PAF of ISPS and OPS for the period from 14.2.2015 to 17.2.2015.

(l) SLDC, Madhya Pradesh vide its letter dated 15.4.2015 informed that as per the direction of Nodal Officer, constant water flow was maintained in the downstream of River Narmada from 10.2.2015 to 18.2.2015 during the celebration of Mahashivratri. Further, Upper Collector, Dhar vide its letter No. 7188 dated 13.2.2015 intimated that a temporary foot over-bridge was to be constructed across the river Narmada at Dharampuri to facilitate crossing of river Narmada by the pilgrims during the festival and instructed to stop five turbines of OPS to restrict the water flow in the downstream to safeguard the temporary sand bridge from 13.2.2015 to 18.2.2015. Matter was also discussed with the

Nodal Officer and Collector, Khandwa over telephone and Collector Khandwa asked SLDC to follow the instructions given by the Upper Collector, Dhar.

(m) NHDC vide its letter dated 27.4.2015 informed SLDC, Madhya Pradesh that Additional Collector, Dhar had requested for maintaining the constant flow in the River Narmada by not operating Five units out of available eight units of OPS from 14.2.2015 to 17.2.2015 during celebration of Mahashivratri at Dharampuri. Therefore, any restriction imposed by local authority can not affect the availability of machine at two different generating stations i.e. ISPS and OPS and requested to revise the verified PAF in line with 2014 Tariff Regulations.

(n) SLDC, Madhya Pradesh vide its letter dated 29.5.2015 further declined the request of the petitioner to issue revised PAF in SEA.

(o) In WRPC meeting and 47th meeting of Operation and Coordination Committee of MP held on 25.8.2015, the issue was discussed at length. In the said meeting dated 25.8.2015, with regard to decision of SLDC, Madhya Pradesh to restrict the DC of ISPS even though the restriction was imposed on OPS units, the representative of SLDC, Madhya Pradesh stated that restriction of machine run upto 3 nos. only at OPS and has direct impact on operations of machines at ISPS and if the machines runs are not matched, the spillage from OPS reservoir would be eminent causing law and order situation endangering the life of the pilgrims and stressed that the action of SLDC, Madhya Pradesh for computation of PAF of ISPS and OPS considering 3 machines capacity is as per the regulatory provisions.

(p) Since, the issue could not be resolved at WRPC`s level, the petitioner has approached the Commission for appropriate directions. The methodology being followed by SLDC, Madhya Pradesh is contrary to the express provisions of Regulation 31 (3) read with the relevant definitions contained in the 2014 Tariff Regulations.

(q) The petitioner has referred two other incidences where SLDC, Madhya Pradesh based on restrictions imposed by the local authorities on number of units to be operated for facilitating religious activities and construction of ghats, etc. has reduced the PAFM of both ISPS and OPS.

6. Against the above background, the petitioner has made the following prayers:

“(a) MPSLDC acting on the specific direction/requirement of GoMP/ other State Authority(s)/Department, which is beyond the control of generator, MPSLDC shall consider the Generating Station's daily Ex-Bus Declared Capacity for certifying DC and regularization thereof by issuing revised PAF in SEA for that period.

(b) Any outage or constraint of one generating station shall not become the basis for limiting PAF of other generating station.

(c) CERC may direct to recover the filing fee of the instant miscellaneous petition from the beneficiary; and

(d) Pass such order and further order/order as deemed fit and proper in the facts and circumstances of the case.”

7. Notices were issued to the respondents on 5.5.2016 to file their replies. Reply to the petition has been filed by SLDC, Madhya Pradesh vide affidavit dated 17.6.2016 and 10.8.2016 which have been dealt with in subsequent paragraphs.

8. SLDC, Madhya Pradesh in its reply dated 17.6.2016 and has submitted as

under:

(a) Despatch schedule for various generating stations including ISPS and OPS is issued as per methodology prescribed in Regulation 6.5 of the Grid Code. As per Regulation 6.5 (10) of the Grid Code, the generating stations are required to furnish their declared capacity on day ahead basis considering all the restrictions and availability of fuel/water.

(b) Despite restrictions imposed by local administration for release of water from ISPS and OPS, the day ahead Declared Capability (DC) is being declared deliberately wrong for all the machines at the generating stations except the unit which is under maintenance. Such declaration is not correct in terms of Regulation 6.5 of the Grid Code.

(c) At the time of restrictions imposed for release of water by various agencies, MPPGCL is furnishing its day ahead declared capability (DC) considering the same for its Hydro Power Generating Stations. After completion of the month, the Plant Availability Factor is being computed by SLDC considering the reduced DC received from MPPGCL and no objection was received from it so far.

(d) The directions issued by MPSLDC for running of units at ISPS and OPS are being complied with by the generating stations. However, despite various restrictions imposed by Nodal officer and Collector, Khandwa for release of water, NHDC is deliberately declaring wrong DC.

(e) In compliance of various provisions of 2014 Tariff Regulations and the Grid Code, the Plant Availability Factor of ISPS and OPS has been computed by SLDC considering Declared Capacity of three machines at ISPS and OPS as restricted by Nodal Officer and Collector, Khandwa. During the constant schedule period, looking to the system conditions and restrictions for stopping the units in-between if required, the constant schedule for running of only two machines was issued to ISPS and OPS. However, PAF of ISPS and OPS has been computed considering DC of three machines.

(f) The petitioner has mis-interpreted the Regulations 6.5.11 and 6.5.12 of Grid Code. Since, there is no sufficient scope to store the water releases from Indira Sagar power Station, it is necessary to run the equivalent machines at ISPS and OPS to avoid spillage of water from OPS. Considering the fact, the constant schedule for running of same number of machines was given to ISPS in line with constant schedule for running of machines issued to OPS.

(g) SLDC, Madhya Pradesh has computed the Plant Availability Factor of ISPS and OPS as per the provisions of 2014 Tariff Regulations and Grid Code.

9. The petitioner, vide its rejoinders dated 18.7.2016 and 18.8.2016, has submitted as under:

(a) The capacity declaration is based on machine availability and water availability as finalized by the SSRRC, (a sub-committee of NCA) which has been setup under the final orders and decision of the Narmada Water Disputes

Tribunal (NWDT) as machinery for implementation of its directions and decision. NCA, a body corporate with representatives of the four States, namely Madhya Pradesh, Gujarat, Maharashtra, Rajasthan and representatives of the Govt. of India, issues Reservoir Operation Table (ROT) which includes Ex-OPS release (as Ex-MP releases), reservoir level of ISPS and SSP, etc. after due consultation and agreement by the party States. Ex-OPS releases in ROT are made after considering all aspect of water utilisation/uses such as irrigation, drinking water, industrial, environmental consideration, etc. to ensure SSP inflows and have no limitation on use of such releases for generation as stipulated in Regulation 6.5 (10) of the Grid Code. The petitioner has placed on record the copy of the Ex-OPS releases as approved by SSRRC and has submitted that these ex-OPS releases during the incidences quoted were sufficient to generate energy for more than three hours using all the machines simultaneously. It is evident that during period in question, ISPS and OPS had made water utilization of about 40-50 MCM which is nearly double the quantity required to operate all the eight machines (required to demonstrate full generation capability) for at least 3 hrs in accordance with Regulation 31 (3) of 2014 Tariff Regulations.

(b) With regard to contention of SLDC, Madhya Pradesh that the hydro stations of the Madhya Pradesh declare their day ahead capacity based on the restriction, demand and permission of WRD which is one of the local authorities, the petitioner has stated that Dam(s)/reservoir of MPPGCL's Deolond, Jhinna, Madhikheda hydro generating station(s) are constructed, owned and controlled by WRD, Government of Madhya Pradesh and Rajghat Hydro generating station

is controlled by Betwa River Board (BRB). Therefore, the water releases from the reservoir of these hydro generating station(s) are regulated by their owners i.e. WRD/BRB whereas the Dam/Reservoir and power house of Indira Sagar and Omkareshwar are constructed, operated and maintained by NHDC on ownership basis and their reservoir operation vis-à-vis water releases through power house are regulated by SSRRC through approved RoT (as per the provisions of NWDT award). Accordingly, there was no restriction on account of use of water on irrigation, drinking water, industrial, environmental considerations, etc. and it was a specific case of regulated generation by SLDC, Madhya Pradesh/MPPMCL to meet the specific request of District Collector, which is beyond the purview and control of the Central Generating Stations.

(c) MPSLDC vide its additional submission dated 10.8.2016 has contended that it was not the question of sufficient water available in the reservoirs which is taken into account for considering the units as On-Bar or Off-Bar. Various restrictions imposed on the flow of water and the maximum number of units which were required to run during the restriction periods, was the considering factor for determination of units to be On-Bar or Off-Bar. The petitioner cannot be presumed to be in violation of the restriction imposed on it by various authorities in this context, until and unless a specific instance is brought to the notice of MPSLDC. The respective units were considered to be Off-Bar on the respective dates strictly in view of administrative restrictions imposed by Collector, Khandwa. The table enclosed with rejoinder is in variation to the directives of Collector, Khandwa on the respective occasions. The availability of the units

completely rests on such administrative restrictions imposed by the Nodal Officer i.e. Collector, Khandwa or any other agency in this regard. Though there may be restrictions for running of maximum number of units for short durations. As per SSRRC and NCA, the water discharges on 10 daily basis are maintained to the extent possible and gets adjusted to next 10 daily, if required.

(d) According to MPSLDC that it is apposite to point out that the Central Grid Code uses the word “etc.” in Regulation 6.5.10 and certain factors affecting the running of machines have been mentioned along with the word “etc”. There can be various reasons for restriction of running of machines which cannot be elaborated. However, by mentioning the word “etc”, it is clear that all types of restrictions are applicable for consideration while declaring the DC by hydro generating stations. Therefore, the submissions, made by MPSLDC are misconceived and of no avail to it.

Analysis and Decision:

10. We have considered the submissions of the petitioner and the respondent and perused documents on record. The following issues arise for our consideration with reference to the first incidence related to Mahashivratre during the period 14.2.2015 to 17.2.2015:

(a) Whether SLDC, Madhya Pradesh was right in calculating the PAF of OPS based on restriction imposed by the Nodal officer i.e Collector Khandwa, GoMP regarding number of machines to be operated i.e three out of eight, in spite of the fact that eight machines were available along with availability of enough water to

generate ex-bus electricity for more than three hours corresponding to declared capacity of eight machines, and

(b) Whether based on the restrictions imposed on OPS, SLDC, Madhya Pradesh was correct in curtailing the PAF of ISPS based on the fact that enough storage is not available at OPS to hold the water releases of the ISPS.

Issue No. 1:

11. It is noticed that during the period from 14.2.2015 to 17.2.2015, eight machines of OPS were available and enough water was available to declare ex-bus capacity of 396 MW for more than three hours using all the eight machines. Accordingly, the petitioner declared ex-bus capacity of 396 MW for nine hours and energy generation of 3564 MWh. Availability of enough water is established by the ROT issued by SSRRC. MP SLDC has not denied the fact that water was available for declaring ex-bus capacity of 396 MW for more than three hours using all the eight machines.

12. It is further noted that the Nodal Officer imposed the restriction to the effect that constant flow shall be maintained in the River Narmada and maximum three machines can be operated to control the downstream flow of OPS. Accordingly, MP SLDC based on system requirements provided constant dispatch schedule of 99 MW (two machines @ 49.50 MW each). OPS religiously adhered to the dispatch schedule given by MP SLDC. However, MP SLDC, calculated the PAF for these days as 37.50% after considering the ex-bus capacity of 148.50 MW (three machines @ 49.50 MW each) based on the limit of operating maximum three machines by the Nodal Officer.

13. The petitioner has contended that PAF for these days shall be 100% considering 396 MW as ex-bus declared capacity (eight machines @ 49.50 MW each) as all the eight machines were available and enough water was there for running at 396 MW for nine hours. MPSLDC has maintained that it has rightly calculated the PAF of these days in terms of Regulation 6.5 (10) of the Grid Code which provides that any restriction on use of water is required to be reflected in the DC and the petitioner was wrong in declaring availability of 396 MW instead of the restriction of operating maximum three machines by the Nodal Officer.

14. We have considered the submissions of the petitioner and MPSLDC. Regulation 6.5 (10) of the Grid Code provides as under:

“(10) The declaration of the generating capability by hydro ISGS should include limitation on generation during specific time periods, If any, on account of restriction(s) on water use due to irrigation, drinking water, industrial, environmental considerations etc. The concerned Load Dispatch Centre periodically check that the generating station is declaring the capacity and energy sincerely, and is not manipulating the declaration with the intent of making undue money through UI”.

15. As per the above provision, limitation on generating capacity can be considered only if the restrictions is specifically on account of restriction(s) on water use due to irrigation, drinking water, industrial, environmental considerations, etc. MPSLDC has submitted that the word "etc." in the above Regulation covers the restriction imposed by the Nodal Officer. MPSLDC has submitted that the restriction not only includes quantum of the water which can be utilized for the capacity declaration but also includes the volume flow rate restrictions, thus limiting the number of machines to be operated for the purpose of restricting downstream flow rate for the purpose of construction of

downstream bridges, ghats and also for the organizing religious functions downstream of OPS.

16. According to the petitioner, restriction on water use due to irrigation, drinking water, industrial, environmental considerations is taken care by SSRRC before issuing the approved ROT. SSRRC only imposes restrictions on quantum of water to be used for power generation and not on the manner in which the available water is to be used. The petitioner has contended that the Nodal Officer within its right imposed restrictions on flow rate /number of machines to be operated. However, the petitioner should not be put to commercial loss for meeting the requirement of State Government.

17. Let us examine the first issue by considering an extreme situation in which Government of Madhya Pradesh decides to construct a permanent bridge downstream of OPS requiring no flow for four months and Nodal Officer acting on behalf of State Government's directions puts restriction to the effect that no machine shall be operated for four months and water downstream of ISPS shall by-pass OPS through some diversion tunnel or certain other means whatsoever. If approach of MPSLDC is adhered, then NHDC will have to declare its capacity to "nil" even if all the machines are available and also enough water is available to declare the capacity corresponding to ex-bus capacity of eight machines. This will result into non-recovery of capacity charges for four months and even energy charges to the extent water cannot be stored in the mother reservoir of ISPS. Therefore, OPS being a commercial entity would suffer in recovery of capacity charges and energy charges for reasons beyond its control even though its machines are available for generation of electricity.

18. On the contrary, the very purpose of Availability Based Tariff (ABT) was to incentivize the generator for making its units available to the extent of availability of water. The very structure of ABT allows recovery of capacity charges if the generator is able to declare availability corresponding to NAPAF and also allows incentive over and above capacity charges if the generator is able to declare availability above NAPAF.

19. In our view, the restriction(s) specified in Regulation 6.5 (10) of the Grid Code on water use due to irrigation, drinking water, industrial, environmental considerations puts limit on quantum of water to be available for power generation after accounting for the requirements for irrigation, drinking water, industrial, environmental considerations only. The 'etc.' used after these expression will mean that the requirements of the restrictions shall be of the similar nature i.e. the water is used for other purposes and not available for generation of power. In the present case, the water is available for generation of power but could not be utilized on account of the direction of the district administration as the release of water by operating the machines of ISPS and OPS would affect the temporary foot over-bridge which was constructed to facilitate the arrangement of pilgrims during Mahashivratri celebrations. Therefore, non-release of water on account of direction of the district administration cannot be considered.

20. The listed restrictions such as irrigation, drinking water, industrial, environmental considerations does not put any restriction on the manner in which the water available for generation is to be used i.e. peaking or non-peaking mode. Therefore, if the available water after keeping into consideration these restrictions is stored in the reservoir and is released at a higher flow rate, then the generating station is able to

provide peaking power corresponding to ex-bus installed capacity for more than three hours, the very principle of peaking generating stations.

21. It is pertinent to mention that availability of water for power generation at ISPS and OPS is reducing every year based on the increasing irrigation requirement. In fact, the design energy of these generating stations is adjusted downwards based on the increased quantum of water diverted for irrigation as certified by NCA. However, even after reduced availability of water for power generation, these generating stations can provide peaking support for more than three hours corresponding to ex-bus capacity by way of storing water in their reservoirs and then by releasing water at higher flow rate.

22. In view of the above discussion, it is held that restrictions imposed by the Nodal Officer cannot be categorized in the same genre as restrictions on account of irrigation, drinking water, industrial, environmental considerations as provided in Regulation 6.5.10 of the Grid Code cannot be taken into consideration for calculating the availability of the generating station. Despite the restriction imposed by Nodal Officer, water was available for generation of electricity by ISPS and OPS and therefore, the declaration of the capacity by generator and calculations of PAFM by RLDC/SLDC should be based on the machine availability and water availability as finalised by SSRRC.

23. Though the generators are required to comply with the instructions given by local authorities, which in the present case has been religiously complied with by the petitioner. However, considering the very nature of ABT and the fact that intent of Regulation 6.5 (10) of the Grid Code is not to commercially hit the generator for reasons not attributable to it, we direct MPSLDC to re-calculate the PAF of OPS as per the ex-

bus capacity declared by OPS for all the instances till date for which the restrictions imposed by any local authority has been considered for calculation of PAF for the day.

Issue No. (b): Whether based on the restrictions imposed on OPS, SLDC, Madhya Pradesh was correct in curtailing the PAF of ISPS based on the fact that enough storage is not available at OPS to hold the water releases of the ISPS.

24. PAF of the hydro generating stations regulated by the Commission is governed by Regulation 31 (3) of the 2014 Tariff Regulations. The said provision is extracted as under:

“(3) The PAFM shall be computed in accordance with the following formula:

$$\text{PAFM} = 10000 \times \frac{\sum_{i=1}^N \text{DC}_i}{\{N \times \text{IC} \times (100 - \text{AUX})\}} \%$$

Where

AUX = Normative auxiliary energy consumption in percentage

DC_i = Declared capacity (in ex-bus MW) for the ith day of the month which the station can deliver for at least three (3) hours, as certified by the nodal load dispatch centre after the day is over.

IC = Installed capacity (in MW) of the complete generating station

N = Number of days in the month”

Regulation 31 (3) of 2014 Tariff Regulations requires that the declared capacity for any day of the month should correspond to the capacity which a generating station can deliver for at least three hours as certified by the nodal load despatch centre after the day is over. Since the petitioner has declared the capacity based on machine and water availability, MP SLDC cannot restrict the PAFM on the ground that machines were not operated as per the directions of the local authorities. The calculation of PAFM by RLDC/SLDC has to be based on capacity declared by the generator considering

machine and water availability finalized by SSRRC. Accordingly, the PAFM of ISPS for the period from 14.2.2015 to 17.2.2015 and for all the instances till date shall be recalculated by MPSLDC based on capacity declared by the generator in place of restrictions imposed by local authorities.

25. MPSLDC is further directed to revise the SEA(s) of ISPS and OPS in the light of the above direction.

26. The petitioner has sought reimbursement of fee paid by it for filing the petition. In our order dated 11.1.2009 in Petition No. 109/2009, we had decided that reimbursement of filing fee for miscellaneous cases is not allowed. Accordingly, the prayer of the petitioner is rejected.

27. Petition No. 40/MP/2016 is disposed of in terms of the above.

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

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson