

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 23/GT/2017

Subject : Approval of tariff of Nabinagar Thermal Power Project (4x 250 MW) for the period from anticipated COD of Unit-I to 31.3.2019

Petitioner : Bhartiya Rail Bijlee Company Ltd.

Respondents : East Central Railway and 2 others

Date of hearing : **21.3.2017**

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

Parties present : Ms. Swapna Seshadri, Advocate, BRBCL
Shri Sanjeev Kumar Varshney, BRBCL
Shri PrashantChaturvedi, BRBCL
Shri Shankar Saran, BRBCL
Shri R.B.Sharma, Advocate, BSP (H) CL
Shri Matrugupta Mishra, Advocate, ECR
Shri Hemant Singh, ECR
Shri Piyush Singh, ECR

Record of Proceedings

This petition has been filed by the petitioner, Bhartiya Rail Bijlee Company Ltd (BRBCL) for approval of tariff of Nabinagar Thermal Power Project (4 x 250 MW) for the period from anticipated date of commercial operation of Unit-I till 31.3.2019 in terms of the CERC (Terms and Conditions of Tariff) Regulations, 2014.

2. During the hearing, the learned counsel for the Respondent No. 1, East Central Railway (ECR) submitted that though PPA has been signed the same has not been given effect to by the parties. He also submitted that some of the States have not acknowledged ECR as a distribution licensee and hence drawl of power as a 'Consumer' would result in additional fixed cost on ECR. The learned counsel further submitted that the arrangement for evacuation of power is the responsibility of the petitioner in terms of Article 3 of the PPA. He added that the respondent may be granted time to file its reply in the matter and also liberty to file interlocutory application in the matter.

3. The learned counsel for the respondent BSP (H)CL pointed out that there is huge time and cost overrun in the project and that the petitioner has also not filed the revised cost of the project approved by CCEA. The learned counsel however prayed for time to file reply in the matter.

4. The learned counsel for the petitioner submitted that Petition No. 24/MP/2017 has been filed by the petitioner seeking direction on RLDC to accept Declared Capacity for declaration of COD in respect of this generating station and the same is pending before the Commission. She



accordingly prayed that the instant petition may be kept pending till disposal of Petition No. 24/MP/2017. This was not objected to by the learned counsel for the respondents.

5. The Commission accepted the prayer of the petitioner and directed the listing of the petition after disposal of Petition No. 24/MP/2017. The petitioner was also directed to file additional information, on affidavit, on the following, with copy to the respondents, on or before **21.4.2017**:

- a) Copy of Investment approval (original and revised) with schedule of commissioning, break-up of project cost and reason of increase in hard cost in the revised approval compared to the original approval along with the variation in scope of work, if any;
- b) Actual cost incurred in different packages till actual COD of Unit-I compared to the awarded value of Unit-I and any other unit for which COD has been declared in the meantime;
- c) The original Investment project cost of Rs.5352.50 crore at price level of IVth Qtr 2006 approved by CCEA and Revised sanction cost of Rs.7998.00 crore has been approved by BRBCL Board vide 62nd meeting held on 21.12.2015 at price level of IInd Qtr 2015. There is huge time overrun and cost overrun of 49% from the originally sanctioned cost. Since BRBCL is not a 'Navratna Company' the revised sanctioned cost approved by the CCEA/Government of India shall be furnished;
- d) Details of actual audited capital cost, actual additional capital expenditure incurred, earnings from infirm power, LD recovered and the initial spares capitalized till actual COD of the generating station;
- e) Relevant forms i.e Forms-5 E(i) and 5 E(ii), Forms-13D and 13E duly filed in;
- f) Detailed break-up of the additional capital expenditure (year-wise and item-wise) in Form-9A with proper justification and the relevant provision of Regulation 14 of the 2014 Tariff Regulations under which the expenditure has been claimed for the period 2016-19;
- g) PERT/ bar chart indicating the critical activities/ milestones which were affected due to each period of delay and reason of delay. The parallel activities which were simultaneously affected due to one or more reason shall be indicated with the effective days lost;
- h) Details in respect of water charges such as copy of water supply agreement, contracted quantum, allocated quantity of water and rate of water charges as applicable;
- i) Turbine cycle heat rate and boiler efficiency corresponding to 100% MCR and 0% make-up water along with the heat balance diagram and reasons for furnishing the Turbine cycle heat rate and Boiler efficiency corresponding to 100% MCR and 1.5 % make-up water;
- j) Revised tariff filing forms based on the actual COD of units/generating station as specified under the 2014 Tariff Regulations along with proper reasons for non availability of any requisite information if any. Also, Form-15 and 15A containing details of fuel consumed in the preceding 3 months before COD, should indicate 'as received' and 'as billed' GCV of coal;

5. The respondents shall file their reply on or before **8.5.2017** with advance copy to the petitioner, who shall file its rejoinder, if any, by **15.5.2017**. Pleadings shall be completed by the parties prior to the next date of hearing for which parties will be separately intimated.

By order of the Commission

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

