

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.24/MP/2017**

Subject :Petition under Section 79(1) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for issuing direction to ERLDC/ ERPC to accept 'Declared Capacity' or 'DC' of Unit-I of Nabinagar TPP (4X250MW) of BRBCL from the Successful Declaration of COD of Unit-I.

Date of hearing : 16.2.2017

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

Petitioner : Bhartiya Rail Bijli Company Limited (BRBCL)

Respondents :East Central Railway and Others

Parties present : Ms. Swapna Seshadri, Advocate, BRBCL  
Shri S.K. Varshney, BRBCL  
Shri Prashant Chaturvedi, NTPC

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed by Bhartiya Rail Bijli Company Limited (BRBCL) *inter-alia* seeking direction to ERLDC/ ERPC to accept 'Declared Capacity' (DC) of Unit-I of Nabinagar TPP (4X250MW) of BRBCL. Learned counsel for the petitioner further submitted as under:

(a) On 24.7.2009, CTU granted Long Term Open Access to the petitioner and BPTA was signed between PGCIL and East Central Railway and Bihar State Electricity Board on 8.1.2010.

(b) The Unit-I of NTPP was synchronized with the grid on 20.3.2016 and successfully completed its trial run as per the provisions of the Central Electricity Regulatory Commission (Indian Electricity Grid Code), Regulations, 2010 (Grid Code). COD of the unit was declared on 15.1.2017.

(c) The petitioner vide its e-mail dated 14.1.2017 requested ERLDC to accept the Declared Capacity (DC). However, ERLDC vide its letter dated 16.1.2017 informed the petitioner that certain modalities, namely Share allocation intimation from ERPC, Long term Open Access operationalization from CTU and issuance of NOC from respective States, are required for commencement of scheduling of power from the unit.

(d) BRBCL vide its letter dated 17.1.2017 requested ERPC to allocate the share of Railways and Bihar in Eastern Region and schedule the power on immediate basis. In response, ERPC vide its email dated 18.1.2017 informed ERPC that it is not authorized to allocate power to different States and allocation needs to be done by CEA on concurrence from highest authorities. ERPC further advised the petitioner to comply with the requirements being sought by ERLDC.

(e) ERLDC is not uploading DC of the Unit-I on its website despite the fact that BRBCL has properly declared commercial operation of its unit.

(f) Regulation 6.3A1 (x) of the Grid Code, scheduling of power from the generating station or unit shall commence from 00.00 hrs after declaration of COD. However, ERPC and ERLDC are acting in an arbitrary manner and raising extraneous issues. Once a unit is declared under commercial operation after following the provisions of the 2014 Tariff Regulations and Grid Code, DC will start irrespective of the scheduling by the beneficiaries.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to all the respondents.

3. The Commission directed to petitioner to implead Railways as party to the petition and file revised memo of parties.

4. The Commission directed the petitioner to serve copy of the petition on the respondents, if already not served. The respondents were directed to file their replies, on affidavit, by 9.3.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before, 16.3.2017. The Commission directed the petitioner and the respondents that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 23.3.2017.

**By order of the Commission**

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