

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of hearing: 4.6.2019

Petition No. 115/MP/2018

Subject : Petition under Section 79 (1)(a) and (f) and other applicable provisions of the Electricity Act, 2003 read with Regulations 110 and 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking adjudication of dispute between the Petitioner and Respondent NTPC Ltd. regarding excess recovery of Annual Fixed Costs for various generating stations of the Respondent during financial year 2014-19.

Petitioner : Tata Power Delhi Distribution Limited (TPDDL)

Respondent : NTPC Limited

Petition No.152/MP/2018

Subject : Petition seeking adjudication of dispute between the Petitioner and Respondent NTPC Limited regarding excess recovery of Annual Fixed Costs for various generating stations of the Respondent during 2014-19

Petitioner : BSES Rajdhani Power Limited (BRPL)

Respondents : NTPC Ltd.

Petition No. 155/MP/2018

Subject : Petition seeking adjudication of dispute between the Petitioner and Respondent NTPC Limited regarding excess recovery of Annual Fixed Costs for various generating stations of the Respondent during 2014-19

Petitioner : BSES Yamuna Power Limited (BYPL)

Respondents : NTPC Ltd.

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Buddy A. Ranganadhan, Advocate, TPDDL, BRPL & BYPL
Shri Raunak Jain, Advocate, TPDDL
Shri Vishvendra Tomar, Advocate, TPDDL
Shri Hasan Murtaza, Advocate, BRPL & BYPL

Shri Kartik Anand, Advocate, BRPL, BYPL
Shri Abhishek Srivastava, Advocate, BYPL
Shri Uttam Kumar, TPDDL
Ms. Shefali Sobti, TPDDL
Shri Anurag Bansal, TPDDL
Shri Vishal Vij, TPPDL
Shri Kanishk, BRPL
Shri M.G. Ramachandran, Sr. Advocate, NTPC
Ms. Ranjitha Ramachandran, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Ms. Tanya Sareen, Advocate, NTPC
Shri Nishant Gupta, NTPC
Shri E.P Rao, NTPC
Shri S.P Kesarwani, NTPC

Record of Proceedings

Learned counsel for the Petitioners submitted that Petition No.115/MP/2018, Petition No. 152/MP/2018 and Petition No. 155/MP/2018 are on the similar grounds.

2. Learned counsel for the Petitioners submitted that the present petitions have been filed for seeking adjudication of disputes between the Petitioner and NTPC Limited regarding excess recovery of Annual Fixed Costs for various generating stations of the respondent, NTPC during the tariff period 2014-19. Learned counsel for the Petitioners requested the Commission to clarify that the formula laid down by the Commission in its order dated 28.7.2016 in Petition No. 290/GT/2014 for the calculation of GCV of coal on "as billed" basis with adjustment of moisture, is only an interim arrangement and the Commission shall re-fix the AFC of the respondent in future based on "as received" GCV of coal in order to facilitate refund of excess billing of AFC by NTPC to the beneficiaries including the Petitioner. Learned counsel, in support of his contention, relied on the DERC's order dated 30.4.2019 in Petition NO.67/2017 and the Commission's order dated 11 .6.2018 in Petition No. 93/MP/2017.

3. Learned senior Counsel for the Respondent submitted that NTPC is not revising the IWC on month to month basis and the adjustments has been taken into account by NTPC in IWC calculation on normative basis only once to arrive at the fixed charges for the period 2014-19.

4. After hearing the learned counsel for the Petitioners and Senior Counsel for the Respondent, the Commission reserved the order in the Petitions.

By order of the Commission

**Sd/-
(T. D. Pant)
Deputy Chief (Law)**