

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 140/MP/2018

Subject : Petition under Regulation-31(6) of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during 2015-16 in respect of Chamera-III Power Station.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited & Ors.

Date of Hearing : 2.5.2019

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

Parties present : Shri Prashant Kaul, NHPC
Shri A.K. Pandey, NHPC
Shri V.N. Tripathi, NHPC
Shri Jitender Kumar, NHPC
Shri Piyush Kumar, NHPC
Ms. Seema Mishra, NHPC
Shri Dhanush C.K, NHPC
Shri R.B. Sharma, Advocate, BRPL
Shri Mohit Mudgal, Advocate, BYPL
Ms. Swapna Seshadri, Advocate, PSPCL

Record of Proceedings

The representative of the Petitioner submitted that the approved design energy of the generating station is 1108.17 MUs and keeping in view the provision of 1.2% auxiliary losses, 1% LADF and 12% free power to home State, the saleable energy is 952.54 MU. He also submitted that the actual generation during 2015-16 is 1043.64 MU and thus there is a shortfall of 64.53 MU in generation during 2015-16. Out of this, the shortfall of 46.83 MU is for reasons beyond the control of the Petitioner. Accordingly, the Petitioner has prayed that the Commission may allow the reliefs sought for in this Petition.

2. The learned counsel for BRPL & BYPL mainly submitted that the data furnished by the Petitioner in Annexure-II of the Petition show that the mandatory downstream release is not prescribed, yet in the ultimate calculation a provision of 2.85 cumecs towards mandatory downstream release on daily basis throughout the year has been taken indicating low flow and on the basis of this low flow, low



generation has been presumed. There were huge inflows which commenced from 24.4.2015 till the end of September, 2015 and this spillage has not been managed and if the same was properly managed, it would have resulted in the generation of 887.04 MU as against the actual generation of 777.26 MU achieved by the Petitioner during the period. He also submitted that even the Maximum Reservoir Level and Minimum Draw Down Level along with the daily reservoir levels have not been furnished. The learned counsel submitted that the relief sought for by the Petitioner may not be allowed as the Petitioner has failed to prove that the shortfall of 46.83 MU during 2015-16 is for reasons beyond the control of the Petitioner.

3. The learned counsel for the Respondent PSPCL submitted that the Respondent has filed reply in the matter and the same may be taken on record. She also submitted that the Petitioner has not provided any details or any documentary evidence with regard to shortfall in generation. She further submitted that with regard to shortfall due to landslide and recovery of fallen truck, the Petitioner has not provided any information with respect to the damage cost of the GIS sub-station, the expenses incurred and the time taken to mitigate the damage, etc. The learned counsel stated that silt flushing is a foreseeable event and cannot be considered as reasons beyond the control of the Petitioner. The learned counsel further submitted that the CWC letter dated 23.1.2017 furnished by the Petitioner cannot be considered as proof of the Petitioner's claim for recovery on shortfall in generation for the reasons beyond the control of the Petitioner. The learned counsel added that the Petitioner may be directed to furnish relevant documentary evidence in support of its claim for recovery of energy charges due to shortfall in generation.

4. The Commission after hearing the parties directed the Petitioner to furnish the following information on affidavit:

- (a) Documents to validate the energy loss due to landslide, fallen truck.
- (b) Rainfall data reported by IMD for the district in which plant is located and other adjoining districts.
- (c) Any other relevant documents to justify the claims in Petition.

5. The above information shall be filed by the Petitioner on or before 13.5.2019. The Respondents shall file their replies by 20.5.2019, with advance copy to the Petitioner, who may file its rejoinder, if any, by 24.5.2019. Subject to the above, order in the Petition was reserved.

By order of the Commission

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(B. Sreekumar)
Deputy Chief (Legal)

