

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.184/MP/2019

Subject : Petition under Regulation 44(6), (7) & (8) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 for recovery of un-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during 2018-19 in respect of Karcham Wangtoo HEP

Petitioner : JSW Hydro Energy Ltd (JSWHEL)

Respondent : PTC India Ltd & ors

Date of hearing : **11.12.2019**

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

Parties present : Shri Aman Anand, Advocate, JSWHEL
Shri Aman Dixit, Advocate, JSWHEL
Shri Anurag Aggarwal, JSWHEL
Ms. Kanchak Negi, JSWHEL
Shri Suraj Guru, JSWHEL
Shri Ravi Kishore, Advocate, PTC
Ms. Rajshree Chaudhary, Advocate, PTC
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Damodar Solanki, Advocate, HPPC
Shri Ashwin Ramanathan, Advocate, HPPC

Record of Proceedings

The learned counsel for the Petitioner in support of its prayers made submissions on issues, namely (i) Silt flushing; and (ii) Shortfall in generation due to low inflow of water. He stated that the said issues have been decided by the Commission in its Order dated 16.9.2019 in Petition No. 139/MP/2018 (NHPC v PSPCL & ors), Order dated 1.8.2019 in Petition No. 141/MP/2018 (NHPC v PSPCL & ors) and Order dated 17.9.2019 in Petition No. 143/MP/2018 (NHPC v PSPCL & ors). Accordingly, the learned counsel submitted that the reliefs prayed for in the Petition may be allowed.

2. The learned counsel for the Respondents, HPPC & PSPCL referred to the replies and stated that the decision of the Commission in its earlier orders can only be made applicable in case the Petitioner demonstrates that the data furnished by it supports



the same. As regards the silt flushing, the learned counsel for the Respondents pointed out to the data furnished by the Petitioner for the period from 25.7.2018 to 24.8.2018 and submitted that on all dates there was an excess flow of water as compared to the design inflow and hence there is no impact of silt flushing on the water inflow which could have affected the generation of electricity. As regards low inflow, the learned counsel submitted that the data pertaining to the water flow for the year 2018-19 indicates that the varied inflow of water cannot be a reason 'beyond the control' of the Petitioner, as per Regulations 44(6) of the 2019 Tariff Regulations. She also submitted that during instances when the actual inflow available was more than the design inflow, there has been substantial spillage for reasons solely attributable to the Petitioner. Accordingly, the learned counsel submitted that the decision of the Commission in its earlier orders may not be made applicable in the present case and the reliefs prayed for by the Petitioner may be rejected.

3. The Commission, after hearing the parties directed the Petitioner to submit on affidavit, the following information:

(i) Methodology for calculating maximum possible generation on daily basis for the period 2018-19;

(ii) During certain days of high inflow period, it is noticed that the actual generation is more than 26.40 MUs, which can be generated by operating plant at 110% of Installed Capacity. The Petitioner shall clarify the same as it was not permitted to go beyond 1100 MW as per Commission Order dated 30.3.2017 in Petition No. 434/GT/2014;

(iii) Block wise details of energy accounted for in DSM duly certified by NRLDC/ NRPC along with the schedule generation and actual generation;

(iv) Planned and forced machine outage data certified by CEA and its correlation with energy generation.

4. The Petitioner shall file the additional information on or before **30.12.2019** with copy to the Respondents, who shall file their replies by **6.1.2020**, with advance copy to the Petitioner. Rejoinder, if any, by the Petitioner on or before **13.1.2020**.

5. Subject to the above, order in the Petition was reserved.

By order of the Commission

Sd/-
(B.Sreekumar)
Dy. Chief (Law)

