

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 220/MP/2019

Subject : Petition for recovery of shortfall in Energy Charges in comparison to fifty percent of the Annual Fixed Cost for reasons beyond the control of generating station during the FY 2017-18 and 2018-19 in respect of Indira Sagar Power Station.

Petition No. 267/MP/2019

Subject : Petition for recovery of shortfall in Energy Charges in comparison to fifty percent of the Annual Fixed Cost for reasons beyond the control of generating station during the FY 2017-18 and 2018-19 in respect of Omkareshwar Power Station.

Petitioner : NHDC Limited

Respondents : MPPMCL & anr.

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 Shashank Shukla, NHDC
Shri Sushil Kumar Verma, NHDC
Shri Prabhakar Rai, NHDC
Shri G.Umapathy, Advocate, MPPMCL
Shri Varun K. Chopra, Advocate, MPPMCL
Shri Shubham Sharma, Advocate, MPPMCL
Shri Ravindra Khare, MPPMCL
Shri Dilip Khare, MPPMCL

Record of Proceedings

These Petitions were taken up for hearing today.

During the hearing, the representative of the Petitioner submitted that the saleable scheduled energy from the generating stations namely, Indira Sagar Power Station (IGPS) and Omkareshwar Power Station (OSPS) was less than the saleable design energy, for the years 2017-18 & 2018-19. He also added that these generating stations work in tandem and the operation of units of OSPS depends on that of ISPS. Accordingly, the representative has submitted that the shortfall in energy charges has occurred due to the reasons beyond the control of the Petitioner and the same may be recovered in terms of sub-clauses 7 & 8 of Regulation 44 of the 2019 Tariff Regulations.

2. Learned counsel for the Respondent MPPMCL submitted that he has filed preliminary reply on the maintainability of these Petitions. The learned counsel submitted that the Petitioner was to ensure that the generating stations could not achieve generation upto design energy for a continuous period of four years during the period 2014-19 and should have approached the CEA along with relevant hydrology data for revision of design energy in terms of the proviso of Regulations 44(7) of the 2019 Tariff regulations. The learned counsel further added that as per Regulations 44(8), in order to claim shortfall in energy charges, it is necessary that energy charges earned by the Petitioner on account of saleable scheduled energy during 2014-19 should be less than the charges admissible on



the basis of saleable design energy which is beyond the control of the Petitioner and could not be recovered during the period 2014-19. Accordingly, the Respondent prayed that the claim of the Petitioner may be rejected.

3. The Commission after hearing the representative of the Petitioner and learned counsel for the Respondent MPPMCL admitted the Petition and directed issue of notice to the Respondents.

4. The Commission directed the Respondents to file their replies on or before **6.1.2020**, with advance copy to the Petitioner, who may file its rejoinder, if any, by **13.1.2020**. Pleadings shall be completed by the parties prior to the next date of hearing.

5. Matter shall be listed for hearing in due course for which separate notice will be issued to the parties.

By order of the Commission

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

