

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 284/RC/2019

Subject : Petition under Section 79(1)(a) and 79(1)(b) of the Electricity Act, 2003 read with Regulation 8(6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and Regulations 111 and 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking regulatory compliance of sharing of gains between generating company and the beneficiaries by NTPL in the monthly energy bills of the generating stations.

Petitioners : Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO)

Respondents : NTPC Limited & Ors.

Date of Hearing : 12.12.2019

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

Parties present : Shri S. Vallinayagam, Advocate, TANGEDCO
Shri R. Alamelu, TANGEDCO
Shri R. Kathiravan, TANGEDCO
Shri Venkatesh, Advocate, NTPC
Shri Ashutosh Srivastava, Advocate, NTPC
Shri Rohit Chandra, NTPC
Shri Vinay Garg, NTPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter-alia*, seeking direction to the Respondent, NTPC Limited to comply with the provisions of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 and 2019 in the matter of sharing of financial gains on account of controllable parameters of the generating stations as mandated under the Regulations and to provide the necessary details thereof.

2. Learned counsel for the Respondent, NTPC Limited submitted that the Respondent has already shared the financial gains on account of controllable parameters with the Petitioner for the 2014-19 period, albeit on the annual basis. Learned counsel further submitted that the Respondent will furnish the requisite details to the Petitioner for the 2014-19 period. However, as regard the 2019-24 period, Regulation 60 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (2019 Tariff Regulations) provides that gains on account of variation in norms on monthly basis shall be shared on annual basis.



3. In rebuttal, learned counsel for the Petitioner submitted that in terms of Regulation 60 of the 2019 Tariff Regulations read with para 16 of the Statement of Reasons, it is clear that gains even for the 2019-14 period shall be calculated on monthly basis though shared annually. Accordingly, the Respondent may also be directed to furnish the requisite details on monthly basis for the 2019-24 period.

4. After hearing the learned counsel for the Petitioner and the Respondent, the Commission observed that the Regulation 8(6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations) clearly stipulates that the financial gains by the generating company on account of controllable parameters shall be shared between generating company and the beneficiaries on monthly basis with annual reconciliation. Accordingly, the Commission directed the Respondent, NTPC Limited to comply with the provisions of the Tariff Regulations and to reconcile the sharing of the financial gains on account of controllable parameters with all the beneficiaries of the NTPC's generating stations as per Regulation 8(6) of the 2014 Tariff Regulations within a period of 2 months.

5. The Commission reserved order in the Petition.

By order of the Commission

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

