

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 330/MP/2020**

Subject : Petition under Section 79(1) (f) of the Electricity Act, 2003 seeking appropriate orders for exemption in payment of Fixed Charges of Rs. 24,54,15,645/- by AP DISCOMs to Unit-II of NTPC Dadri Stage-II Central Generating Station.

Date of Hearing : 20.8.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Petitioners : AP Southern Power Distribution Company Limited and Anr.

Respondents : NTPC Limited (NTPC) and Anr.

Parties present : Shri S. Vallinayagam, Advocate, APDISCOMs  
Shri Rohit Chhabra, NTPC  
Shri A. S. Pandey, NTPC  
Shri Vinay Garg, NTPC

**Record of Proceedings**

The matter was heard through video conferencing.

2. Learned senior counsel for the Petitioners submitted that the present Petition has been filed, *inter-alia*, seeking appropriate orders for exemption in payment of fixed charges of Rs. 24,54,15,645/- by the Petitioners to the Respondent, NTPC Limited in respect of its unit-II, Stage-II of Dadri generating station. Learned counsel further submitted as under:

(a) In order to cater to the shortfall of about 1,000 MW for the month of September 2019, the Petitioners had requested the Respondent, NTPC to explore the possibility of dispatching the cheapest power from the surrendered/ un-allocated power.

(b) On 7.8.2019, NTPC communicated to the Petitioners the details of surrendered power available from its generating stations along with indicative tariff and requested the Petitioners to indicate their requirement to Ministry of Power, Government of India.

(c) Accordingly, the Petitioners requested Ministry of Power to arrange for allotment of available power of about 1,000 MW from various generating stations of NTPC including 529.82 MW from Dadri Stage-II, which was re-allocated to the Petitioners by Ministry of Power vide its letter dated 30.8.2019.



(d) However, subsequent to starting of supply of power, the Petitioners noted that there was shortage in schedule and subsequently came to know that unit-II of Dadri Stage-II was under shutdown for annual overhaul, which was not expected to be available throughout the month of September 2019. Despite being within its knowledge, NTPC had failed to communicate the fact that unit-II of Dadri Stage-II generating station was under outage with effect from 14.8.2019.

(e) Even though the Petitioners did not avail any power from unit-II, Dadri Stage-II during the month of September 2019 on account of the unit being under annual overhaul, NTPC raised bill for fixed charges of Rs.49.08 crore on the Petitioners which also includes the fixed charges component (about Rs. 24.54 crore) of unit-II, Dadri Stage-II.

3. The representative of the Respondent, NTPC submitted that Ministry of Power vide its letter dated 21.1.2020 has advised CEA for cancellation of re-allocation from unit-II of Dadri Stage-II generating station to the Petitioners in respect of its earlier letter/order dated 30.8.2019 and to revise the schedule accordingly. Therefore, once the re-allocation to the Petitioners is revised, the issue involved in the Petition will no longer survive.

4. After hearing the learned counsel for the Petitioners and the representative of the Respondent, NTPC, the Commission admitted the Petition and directed the Respondent, NTPC to place on record the letter of Ministry of Power as referred to, on affidavit, on or before, 28.8.2020.

5. Subject to the above, the Commission reserved order in the matter.

**By order of the Commission**

**Sd/-**

**(T.D. Pant)**

**Deputy Chief (Law)**

