

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 106/MP/2023

Subject : Petition for revision of the scheduled generation of Nathpa Jhakri Hydro Power Station (6x250 MW) and Rampur Hydro Power Station (6 x 68.67 MW) of SJVN Limited with actual generation during force majeure conditions and for consequential directions

Petitioner : SJVNL

Respondents : PSPCL & Ors.

Date of Hearing : **13.9.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri I.S Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Ms. Anushree Bardhan, Advocate, SJVNL
Ms. Surbhi Kapoor, Advocate, SJVNL
Ms. Tanya Sareen, Advocate, SJVNL
Shri Aman Katoch, SJVNL
Shri Rajeev Agarwaal, SJVNL
Shri Mohit K. Mudgal, Advocate, BRPL
Shri Sachin Dubey, Advocate, BRPL
Shri Mohit Jain, Advocate, BRPL
Shri Sunil Kanaujrea, NRLDC
Shri Devi Prasad, NRLDC

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted as under:

- i) that the two generating stations of the Petitioner i.e. Nathpa Jhakri Hydro Power Station (NJHPS) and Rampur Hydro Power Station (RHPS), had to be shut down on three dates, due to high silt on 9.8.2022, 10.8.2022 and due to cloud burst near the Reservoir on 15.8.2022;
- ii) On account of the above, both the generating stations, could not match the actual generation with the scheduled generation and penalty of Rs.468.411 lakhs, was levied by NRLDC, on both the plants as per Deviation Settlement Mechanism Regulations, 2014;
- iii) The increase/decrease of quantum of silt in river Satluj cannot be predicted in advance, before the 7th or 8th time block, as per the requirements of Clause (18) of Regulation 6.5 of CERC (Indian Electricity Grid code) (Sixth Amendment) Regulations, 2019. Therefore, these events



were beyond the control of the Petitioner, falling under the purview of 'force majeure' and accordingly, the DSM charges levied on the Petitioner may be adjusted/refunded.

- iv) Also, during large inflow variation in river during high inflow season to avoid spillage of water from reservoir, NRLDC may consider the request of the generating stations for giving schedule on case to case basis in place of applying the range mentioned in the Regulations particularly where the shutdown was for reasons not attributable to the generator.

3. The representative for the Respondent, NRLDC referred to the reply, and submitted that in a similar case, the Commission vide order dated 11.12.2013 in Petition No. 94/MP/2013 (*filed by Jaiprakash Power Ventures Ltd., for revision of the schedule for Karcham Wangtoo Hydro Electric Plant more than once on account of high silt in the Sutlej River*), had held that any unplanned outage on account of unforeseen circumstances, falls within the scope of 'forced outage' and revisions in the scheduled generation of NJHPS and RHPS due to forced outage are being done as per Regulation 6 (5)(18) and 6 (5)18(a) of the 2010 IEGC Regulations.

4. In response, the learned counsel for the Petitioner clarified that the Commission's order dated 11.12.2013, referred to by NRLDC, is distinguishable from the facts of the present case. While pointing out that the Commission's order dated 11.12.2013, relate to the period prior to the IEGC (Sixth Amendment) Regulations, 2019, the learned counsel submitted that the Petitioner's generating stations have Long Term Open Access. She further submitted that the Commission in the said order had also observed that forced outage in hydro power plants due to high silt conditions, needs to be looked differently from the forced outage in case of thermal plants, which may occur due to internal system faults.

5. The learned counsel for Respondent, BRPL requested for time to file its written submissions in the matter. This was accepted by the Commission.

7. The Respondent, BRPL is permitted to file its written submissions on or before, **2.10.2023**, with a copy to the Petitioner, who may file its response, if any, on the same, on or before, **18.10.2023**.

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

By order of the Commission

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

