

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 60/MP/2022
along with IA No. 1/2023

Subject : Petition or approval of input price of coal supplied from Pakri Barwadih mine for the period from the date of commercial operation i.e. 1.4.2019 to 31.3.2024.

Petitioner : NTPC Limited

Respondents : BSPHCL and 43 others.

Date of Hearing : **6.9.2023**

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

Parties Present : Ms. Swapna Seshadri, Advocate, NTPC
Ms. Ritu Apurva, Advocate, NTPC
Shri Sarthak Sareen, Advocate, NTPC
Shri Karthikeyan M., Advocate, NTPC
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Anup Jain, Advocate, MSEDCL
Shri Vyom Chaturvedi, Advocate, MSEDCL
Shri Aditya Singh, Advocate, MPPMCL
Ms. Surbhi Kapoor, Advocate, Bihar Discoms
Ms. Tanya Sachdev, Advocate, Bihar Discoms
Ms. Shrishti Khindaria, Advocate, Bihar Discoms

Record of Proceedings

At the outset, the learned counsel for the Respondent TANGEDCO opposed the IA and submitted that since there have been changes in the pleadings and the tariff filing forms, the Petitioner may be directed to withdraw the present petition and file a fresh tariff petition.

2. In response, the learned counsel for the Petitioner clarified that the IA has been filed to bring on record the actual data for the year 2021-22 (claimed on a projection basis in the original petition) with one additional prayer to relax the ATQ on account of COVID. Accordingly, the learned counsel submitted that the tariff filing forms in the petition, have been substituted with revised calculations.

3. Considering the submissions of the parties and keeping in view that the IA filed by the Petitioner form part of the original petition and in continuance of it, the Commission 'admitted' the IA and directed the issue of notice to Respondents.



4. The Commission, also directed the Petitioner to file the following additional information, on or before **6.11.2023**, after serving copy to the Respondents:

- (a) *Copy of the MDO agreement.*
- (b) *Soft copy (excel sheet with links and formulae) of revised tariff forms filed on 3.12.2022.*
- (c) *Reasons for claiming IWC, despite the mine being developed in MDO mode.*
- (d) *Auditor certified detailed break up, year-wise, of the O & M charges claimed.*
- (e) *Detailed scope of works awarded to MDO based on the competitive bidding, how the scope of works awarded to MDO is different from the standard scope of works assigned to MDO and the reasons thereof along with supporting documents.*
- (f) *The reasons and rationality for declaring COD of mine on 1.4.2019 though it was approved by the Board on 19th December, 2018.*
- (g) *The year-wise envisaged stripping ratio, OB removal, revised coal production targets, actual coal production, actual stripping ratio, actual OB removal, actual stripping ratio associated with open cast mining, the impact of change in stripping ratio on the mining fee from 2019-20 to 2022-24.*
- (h) *Copy of board approved internal procedures of NTPC in declaration of COD mine and compliance with such procedures.*
- (i) *The milestones considered in investment approval along with supporting documents and the milestones specified in award / agreement with MDO.*
- (j) *The relevant provisions of the GST Act to collect GST cess at the mine end rather than generating station end.*
- (k) *The auditor certified year wise payment made to MDO, particularly, mentioning the escalation rate considered, the LD recovered from MDO, if any, on account of shortfall in production of coal and the adjustment of such charges.*
- (l) *The communication exchanged with the Ministry of coal and its entities regarding the relaxation sought for low production of coal along with supporting documents.*
- (m) *The reasons along with the relevant provision of the agreement for claiming payment to MDO for O & M of CHP over and above with MDO charges. Further, the methodology in allotting such works to MDO.*
- (n) *Auditor certified head wise break up of opening capital claimed in the Petition i.e. 130412.68 lakh.*
- (o) *Justification of the additional capitalizations claimed, including the scope of work, purpose of such work etc.*
- (p) *Auditor certified year- wise non-tariff income and expenses incurred on OB removal, shortfall in OB removal, adjustments made thereof etc., from 2019-20 to 2022-23.*

5. The Respondents are permitted to file their replies to the IA and the original petition/additional information, on or before **4.12.2023**, after serving a copy to the Petitioner, who may, file its rejoinder, if any, by **22.12.2023**



6. The Petition along with IA will be listed for hearing on **5.1.2024**.

By order of the Commission

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

