

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

RECORD OF PROCEEDINGS

Petition No.245/2009

- Subject: Approval of tariff of Kahalgaon STPS, Stage-I (840 MW) for the period from 1.4.2004 to 31.3.2009.
- Date of hearing: 14.6.2011
- Coram: Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member
- Petitioner: NTPC Ltd
- Respondents: WBSEDCL, BSEB, JSEB, GRIDCO, DVC, PDD, Govt. of Sikkim, UT of Puducherry, TNEB, UPPCL, PDD, Govt. of J&K, PD, UT of Chandigarh, MPPTCL, GUVNL, ED-Admn. of Damn & Diu, ED-Admn. of Dadra & Nagar Haveli, BRPL, BYPL, NDPL and MSEDCL.
- Parties present: 1. Shri V.K.Padha, NTPC
2. Shri D.Kar, NTPC
3. Shri A.Basu Roy, NTPC
4. Shri Ajay Dua, NTPC
5. Shri S.K.Jain, NTPC
6. Shri R.B.Sharma, Advocate, GRIDCO
7. Shri Manish Garg, UPPCL

This petition has been filed by the petitioner, NTPC, for approval of tariff for Kahalgaon Super Thermal Power Station, Stage-I (840 MW) (hereinafter referred to as "the generating station") for the period from 1.4.2009 to 31.3.2014 based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 regulations").

2. The representative of the petitioner submitted as under:
- (a) In addition to the additional capital expenditure covered under Regulations 9(1), 9(2) and 19(e) of the 2009 regulations, additional expenditure which are necessary for the efficient operation of the generating station has been claimed.
 - (b) The petition has been amended in terms of the interim order of the Commission dated 29.6.2010 and additional information as sought for by the Commission has been filed and copies have been served on the respondents.
 - (c) Rejoinder to the reply filed by the respondents has been submitted and the Commission may consider the prayer of the petitioner and determine tariff for the generating station.

3. On a specific query by the Commission as to whether the Petition No.189/2010 filed by the petitioner for relaxation of Normative Plant Availability Factor for recovery of full fixed charges at 85% for the period 2009-14 in respect of this generating station including others, could be clubbed along with this petition in order to consider the issues in totality, after hearing the respondents, the representative of the petitioner clarified that both the petitions could be considered independently.

4. However, it was pointed out by the Commission that relaxation of target availability (in Petition No.189/2010) has been sought on the ground of non-availability of coal due to diversion of coal to Stage-II of the generating station, since coal mine of Stage-II was not yet developed. It was also pointed out that the claim for additional capital expenditure on wagon tippler was for augmentation of coal supply on the ground that coal linkage was accorded considering 62.8% PLF and with increased target availability, the petitioner was required to arrange coal from other coal linked mines using railway system and hence it was advisable to club both the petitions and hear the parties on the issue in totality.

5. The representative of the petitioner agreed to the above observations and consented to the clubbing of both the petitions.

6. The learned counsel for the respondent, BSEB did not object to the above. He however prayed that the petitioner may be directed to serve copy of the Petition No.189/2010 in order to prepare its response.

7. The representative of the respondent No.9, UPPCL also agreed to the clubbing of the petitions as above.

8. The Commission accepted the prayer of the respondent, BSEB. The petitioner is directed to serve copy of the petition (in Petition No.189/2010) to all the respondents within 22.6.2011 and file proof of service on affidavit. The respondents are directed to file their replies within 7.7.2011 with advance copies to the petitioner. Rejoinder, if any, by 14.7.2011.

9. In the meanwhile, the petitioner is directed to submit on affidavit copies of the recent coal supply agreement entered into with Coal India Ltd in case of Stages-I and II of the generating station and for Farakka STPS (another generating station), on or before 22.6.2011.

10. Matter to be listed along with Petition No.189/2010 for hearing on 21.7.2011.

Sd/-
T.Rout
Joint Chief (Law)