

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 257/MP/2012

Subject: Miscellaneous petition in the matter of non-compliance by the respondents with Regulation 26 (ii) A (e) of Chapter-4 and Regulation 32 (1) of Chapter-5 of CERC (Terms and Conditions of Tariff) Regulations, 2009 in respect of payment of Energy charge on account of Open Cycle operation of the Assam Gas Power Station (AGBP) to the petitioner.

Date of Hearing: 19.2.2013

Coram: Dr. Pramod Deo, Chairperson
Shri V. S Verma, Member
Shri M. Deena Dayalan, Member

Petitioner: North Eastern Electric Power Corporation Limited (NEEPCO)

Respondents: APDCL & TSECL

Parties present: Ms. Debjani Dey, NEEPCO
Ms. Elizabeth Pyrbot, NEEPCO
Shri I. H. Hazarika, NEEPCO

RECORD OF PROCEEDINGS

The petitioner NEEPCO has filed this petition for non-compliance by the respondent Assam Power Distribution Company Ltd. (APDCL) and Tripura State Electricity Corporation Limited (TSECL) towards payment of energy charges in respect of the Assam Gas Based Power Station (the generating station) of the petitioner.

2. The representative of NEEPCO submitted as under:
- (a) In line with the provisions of Regulation 26 (ii) A (e) of Chapter 4 of the 2009 Tariff Regulations and on the basis of Percentage Open Cycle Operation (POCM) indicated in the Regional Energy Accounts (REAs) issued by North Eastern Regional Power Committee (NERPC), the petitioner has been raising monthly energy bills on the respondents since April, 2012 and the respondents have denied payment of the energy charges in respect of the generating station on the ground that the Regulations do not provide for energy charges.
 - (b) The open cycle operation of the generating station was resorted due to compelling operational reasons on account of which it was essential to put one or more steam turbine under shut down.
 - (c) Generally the advance declaration of ex-power plant MW capabilities foreseen for the next day is made as per provision of cl. no. 6.4.16 of IEGC.

The block wise and day ahead availability of the generating station was declared as a whole and no declaration or revision was made on open cycle mode operation separately. In some occasions, revisions were made on whole plant capacity effective from 6th time block, depending on the availability of gas or some other plant condition, prevailing at the time. Also, the available capacity has been dispatched in full to the beneficiaries.

3. On a query by the Commission as to whether the petitioner could seek remedy under the CERC (Regulation of Power Supply Regulations) 2010 by regulation of power supply, the representative of the petitioner submitted that it had already regulated power supply in two states and the same has not yielded the desired results.

4. None appeared on behalf of the respondents.

5. The Commission after hearing the petitioner directed that notice shall be sent to NERPC and NERLDC. In the meanwhile following information is to be furnished by NERPC and NERLDC before 12.3.2013, as under:

(a) The basis of certification on open cycle mode of operation for Assam Gas Based Power Station issued by NERPC.

(b) Following information shall be submitted by NERLDC:

- (i) How the scheduling of power on open cycle mode was/is prepared. Whether the beneficiaries were/are notified of open cycle mode operation of the station?*
- (ii) Whether NEEPCO is revising their DC on open cycle from the 6th time block in a day.*

6. Matter to be listed for final hearing on 9.4.2013.

By order of the Commission

Sd/-

(T. Rout)

Joint Chief (Law)