

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 114/MP/2013

Subject : Petition under Sections 29 and 79 of the Electricity Act, 2003 and the applicable provisions of the Indian Electricity Grid Code.

Date of hearing : 6.6.2013

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

Petitioner : NTPC Limited, New Delhi.

Respondents : Western Regional Power Committee, Mumbai and Others

Parties present : Shri M.G.Ramachandran, Advocate, NTPC
Shri S.K.Sharma, NTPC
Shri Rohit Chhabra, NTPC
Shri MKV Rama Rao, NTPC
Miss S.Maggon, NTPC

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) The present petition has been filed seeking directions in regard to wrong decision taken by the respondents as recorded in the minutes of the meeting of the Western Regional Power Committee held on 26.2.2013 and 2.4.2013 relating to the interpretation and application of the provisions of Regulations 21 (4) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (Tariff Regulations, 2009);
- (b) Regulation 21(4) of the Tariff Regulations, 2009 provides that in case of fuel shortage in a thermal generating station, the generation company may propose to deliver a higher MW during peak-load hours by saving fuel during off-peak hours. The concerned RLDC may then specify a pragmatic day-ahead schedule for the generating station to optimally utilize its MW and capability in consultation with the beneficiaries. In case of such declaration,

DC shall be taken to be equal to the maximum peak-hours expower plant MW schedule specified by the concerned RLDC for that day;

- (c) The consensus as per the WRLDC for such peak hour was given by the beneficiaries in the Minutes of the Meeting held on 30.5.2009. Accordingly, WRLDC has been giving scheduling for the peak hour instead of the whole day. This cannot be varied unilaterally by the beneficiaries at the RPC meeting; and
- (d) Even the decision in the RPC has to be with consensus as provided in the resolution of the Government of India interpreting and applying Section 29 of the Act and also the provisions of the IEGC. Accordingly, it is not open to the beneficiaries or some of them to change the above arrangement at the RPC Meeting. Further, it cannot be changed for the past period of September 2012 to January 2013 at this stage in the Minutes of February or April meetings of RPC.

2. In response to Commission`s query regarding flat schedule, learned counsel of the petitioner submitted that it is for the WRLDC to declare peak schedule or offer flat schedule.

3. After hearing the learned counsel, the Commission directed to admit the petition.

4. Accordingly, the petitioner was directed to serve copy of the petition on the respondents immediately. The respondents were directed to file their responses by 21.6.2013. The petitioner was allowed to file its rejoinder, if any, by 28.6.2013.

5. The petition shall be listed for hearing on 9.7.2013.

By order of the Commission,

SD/-
(T. Rout)
Joint Chief (Law)