

**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 the Chapter-5 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 in respect of payment of Energy Charges on account of Open Cycle operation of the Assam Gas Based Power Station (AGBP) to the petitioner under Regulations 69 and 111 of Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999.
- Date of Hearing : 9.4.2013
- Coram : Dr. Pramod Deo, Chairperson  
Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member
- Petitioner : North Eastern Electric Power Corporation Limited, Shillong
- Respondents : Assam Power Distribution Company Limited  
Tripura State Electricity Corporation Limited
- Parties present : Ms. Debjani Dey, NEEPCO  
Shri P.C. Barman, NEEPCO  
Shri Lalrin Sanga, NEEPCO  
Shri M.K.Adhikari, APDCL  
Shri K.Gowsami, APDCL  
Shri A. Gan Chautri, TSECL  
Shri D.Pal, TSECL

**Record of Proceedings**

The representative of the North Eastern Electric Power Corporation Limited (NEEPCO) submitted that the present petition has been filed for non-compliance by the respondents Assam Power Distribution Company Ltd. and Tripura State Electricity Corporation Limited towards payment of energy charges on account of Open Cycle Operation in respect of the Assam Gas Based Power Station (generating station) of the petitioner.

2. The representative of NERLDC submitted that the Open Cycle Operation for which energy charges is being claimed was not approved in any of the forums and there is no scope for separately indicating the open cycle mode of operation.

3. The representative of NEEPCO submitted that the open cycle operation is possible in following cases:

- (a) When there is planned shutdown. The beneficiaries are aware of open cycle mode of operation during planned shutdown as the same is decided in OCC meetings. The discussions and minutes are placed on record.
- (b) In cases of grid failure, the gas turbines are operated on open cycle mode.
- (c) At the time of start-up after planned or forced shutdown, revised schedule is given to RLDC.

4. The representative of NEEPCO denied that it operated in combined cycle for revised PF and the same is not possible whereas the petitioner is losing fixed charges when generation is decreased for revised DC.

5. The representative of the Assam Power Distribution Company Ltd. (APDCL) submitted as under:

(a) Machine schedule is made on net basis of the whole station and there is no practice of giving schedule modular-wise.

(b) Generating station is a combined cycle project. Earlier, also there was no bill on account of open cycle operation of the generating station. Therefore, APDCL has not entertained the alleged bills raised by the petitioner towards open cycle operation of generating station.

(c) There are some inherent problems in the machines of the generating station either in the turbine assembly or in gas booster station. The generating station is also running on part load on an average of around 200-210 MW against installed capacity of 291 MW. Therefore, the respondents are deprived of around 80-90 MW on average basis

(d) ECR is being paid as per the provisions of CERC Tariff Regulations, 2009 considering the fact that the generating station is a combined cycle one.

(e) DC is declared plant-wise and not module-wise. Based on the module, open cycle or combined cycle is decided.

6. The representative of the NEEPCO submitted that the DC of the generating station is given as a whole and NEEPCO is complying with the provisions of CERC Tariff Regulations.

7. In response to the Commission's query as to why the bills were raised after three years, representative of petitioner submitted that bills were raised as per the tariff order for the period 2009-14 which was issued by the Commission during the last year.

8. After hearing the representatives of the petitioner, NERLDC and respondents, the Commission directed to admit the petition.

9. The Commission directed the petitioner to serve copy of the petition on the respondents immediately, if already not served. The respondents were directed to file their replies by 7.5.2013. The petitioner may file its rejoinder, if any, by 21.5.2013.

10. The petition shall be listed for hearing on 30.5.2013.

**By order of the Commission,  
Sd/-**

**(T. Rout)  
Joint Chief (Law)**