

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 94/MP/2013

Subject : Petition under Section 29 (5) of the Electricity Act, 2003 and Regulations 2.3.1. (7) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 seeking a direction against the respondent to permit the revision of the schedule for petitioner Karcham Wangtoo Hydro Electric Plant (Karcham Wangtoo HEP) more than once on account of high silt level in the Sutlej River.

Date of hearing : 28.5.2013

Coram : Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Jaiprakash Power Ventures Limited.

Respondent : Power System Operation Corporation Ltd
Northern Regional Load Despatch Centre

Parties present : Shri Vishal Gupta, Advocate, JPVL
Shri Sanjeev Goel, JVPL

Record of Proceedings

Learned counsel for the petitioner submitted as under:

(a) The petitioner, Jaiprakash Power Ventures (JPL) has filed present petition being aggrieved by the action of the respondent not allowing the revisions of the generation schedule of the petitioner's Karcham Wangtoo HEP more than once, which was requested on account of shutdown of the HEP due to high silt level in Sutlej river.

(b) The petitioner owns, operates and maintain 1000 MW Karcham Wangtoo HEP a run of the river power station with pondage, comprising four units of 250 MW each in the State of Himachal Pradesh.

(c) The petitioner faces a problem of high silt level in the river due to which it is forced to shut down its generating plant in order to ensure its safety. The petitioner requested to the respondent, NRLDC to revise schedule of generation in the event of such forced shut down due to high silt level.

(d) The respondent in order to justify its wrongful actions has wrongly placed reliance on Regulations 6.5.19 of the Grid Code whereas the case of the petitioner was against that of a force majeure and not of forced outage simpliciter, and has erroneously taken a position that revisions of schedule on account of forced outage shall be allowed only once and original schedule will become effective from the expected time of restoration provided by the generators.

(e) The stand taken by the respondent is wrong and contrary to the Grid Code. The force majeure has been defined in the Grid Code and has been duly recognized that there can be force majeure due to which a generating plant cannot operate.

(f) The silt is a natural phenomenon beyond the control of the petitioner and after the silt level becomes very high it is not advisable to operate the generating plant in order to ensure its safety.

(g) The petitioner has taken all the measures to run the generating plant till a certain level of silt in the river including having four de-siltation chambers. However, if the silt level is high beyond a certain limit then it is forced to shut down its plant.

2. In response to Commission's query regarding maximum level of silt on which the plant has been designed to operate, learned counsel submitted that the design of the plant permits the petitioner to operate at a maximum level of around 4500 PPM silt level and beyond that it is imperative on the petitioner to shut down its plant for the reasons beyond its control which is clearly a force majeure. Learned counsel further submitted that the respondent by not allowing more than one revision has apart from putting the petitioner in a difficult situation, has also endangered the grid as the refusal to permit further revision of the schedule due to silt level remaining high.

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

4. The Commission directed the petitioner to file information regarding design of the plant showing the maximum silt level on which it can operate with four days.

5. Accordingly, the petitioner was directed to serve copy of the petition on the respondents immediately. The respondents were directed to file their responses by 13.6.2013. The petitioner was allowed to file its rejoinder, if any, by 18.6.2013.

6. The petition shall be listed for hearing on 20.6.2013.

By order of the Commission,

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