

**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 : 20.6.2013

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

Petitioner : Jaiprakash Power Ventures Limited.

Respondent : Power System Operation Corporation Ltd., New Delhi  
Northern Regional Load Despatch Centre, New Delhi

Parties present : Shri Vishal Gupta, Advocate, JPVL  
Shri Kumar Mihir, JPVL  
Shri Sanjeev Goel, JVPL  
Shri P.Mukhopadhaya, POSOCO

**Record of Proceedings**

Learned counsel for the petitioner submitted as under:

(a) As per the Commission's direction, details of design of the power plant has already been filed from which it is clear that the maximum permissible limit of silt at which the turbine of the plant is permitted to operate is 5000 ppm. As per Erosion guarantee conditions, the de-silting chamber shall be capable to withhold 90% of all particles larger than 0.2 mm. The petitioner is required to stop the turbine at the silt level of 5000 ppm at the intake. However, the respondents have not filed any reply so far.

(b) In response to Commission`s query regarding maximum silt handling capacity of de-siltation chambers at the power plant and the actual level of silt being encountered as well as the number of occurrences, learned counsel for the petitioner submitted that the required details will be filed in due course, However, the petitioner has raised a legal issue as to whether more than one revision in schedule is permissible if the generating plant is faced by a situation of force majeure due to high silt level in the river.

(c) The entire premise of the argument of the respondent is based on Regulation 6.5.19 of the Grid Code whereas the petitioner`s entire case is that the respondent is wrongly relying upon the Regulation 6.5.19 which deals only with the situation of forced outage whereas the forced shut down of the generating plant of the petitioner due to high silt level in the river is a force majeure situation and is covered under Regulation 6.5.20 of the Grid Code.

(d) Force outage and force majeure are two different terms which have been defined in the Grid Code. The respondent, NRLDC is wrongly relying on Regulation 6.5.19 of the Grid Code despite it being clear that the high silt level in the river is a force majeure event beyond the control of the petitioner and it cannot be penalized for the same.

(e) Forced outage relates to a situation where a generating plant is facing a shut down due to some technical problem in the plant. In that event, any estimated time of restoration is expected to be given after exploring all the possibilities including the time expected to be taken for the restoration of the plant. The silt condition is a natural phenomenon and is not in the control of the generating company. The generating company cannot even correctly forecast the time when the high silt level will subside and it will be in a position to operate the generating plant. In that event, the revision of schedule more than once becomes imperative to save any loss of generation as well as to protect the Grid.

(f) Regulation 6.5.20 of the Grid Code enables the Regional Load Despatch Centres to revise the schedule in the interest of better system operation and therefore in a situation of a force majeure the Grid Code enables the respondent to revise the schedule of the petitioner more than once.

(g) Learned counsel for the petitioner requested for one week time to file rejoinder to the reply of the NRLDC.

.2. The representative of the NRLDC submitted as under:

(a) Reply to the petition has already been filed on 17.6.2013 with an advance copy to the petitioner.

(b) The petitioner has been transacting full quantum of 1200 MW including over load of 20%, through Short-Term Open Access bilateral/collective Transactions. Regulation 6.5.19 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (Grid Code) provide only one revision in the schedule when the generating plant is operating on short term open access. The petitioner is required to give accurate forecast of the estimated time of restoration and in the event the estimated time of restoration is not correct then the schedule cannot be revised again as per Regulation 6.5.19 of the Grid Code.

(c) As per definition of "Forced Outage", any unplanned outage is a forced outage. Thus the 'forced outage' of units covers the outage due to silt conditions as well.

(d) There is need for better forecasting of the silt, inflow for bringing in more certainty in operation. The generating station itself has been mentioning the 'forced outage' of units in case of silt problem and providing expected restoration time while requesting for schedule revision. Therefore, petitioner is well aware of the rules and regulations and their applicability for the petitioner.

(e) The provision related to schedule revision is different for LTA and STOA. Nathpa-Jhakri HEP also faces silt problem but there is no issue related to schedule revision as the entire power is under long term schedules and the revisions are allowed as per the provisions stipulated in the Grid Code.

(f) The Karcham Wangtoo has chosen to transact entire power through STOA in place of Long Term or Medium Term transactions on its own will to derive benefit of prices/market conditions, etc.

(g) STOA transactions are energy only transactions and frequent revisions in these market transactions (STOAs) would render them to be used as 'options'

and not as binding contracts with obligation to supply or take delivery. Revision in schedule for STOA transactions would distort the market. Further, the curtailment/cancellation of one scheduled bilateral transaction would lead to revisions of requisition of the buyer entity for another seller entity and thus would cause a cascading or ripple effect in whole market which is undesirable.

(h) The petitioner has also been transacting through the 'Power Exchange' and Hon`ble Commission has not allowed any revision in case of collective transactions because of the fact that the revision of collective transactions can upset whole electricity market.

(i) In case of tripping of a unit, other avenues such as Power Exchange and Short Term Bilateral are available to the sellers to purchase power and make good the shortfall.

(j) The revisions of short-term bilateral transactions in case of forced outage of units/ station are covered under clause 6.5.19 of the Grid Code which mandates a single revision for such outages.

3. In response to Commission's, query as to why Regulation 6.5.20 of the Grid Code cannot be invoked in such case, the representative of the NRLDC clarified that the said regulations cannot be applied in case of short term transactions, which are energy only contracts. As an interim measure, the representative of the NRLDC suggested that till a better and advanced forecasting technique for assessment of silt in the river is adopted by the plant and similarly, balancing schemes are put in place, the request for downward revision and upward revision could be decoupled in case of outage due to silt as an exception. That is the plant may be allowed to send two separate communications to RLDC, namely:

- The first communication for down ward revision at the time of closing/intended closing of the units due to silt and
- The second for restoration of schedules after reduction of silt conditions in the river up to the level that the units could be started back.

4. The representative of NRLDC submitted that the above may lead to uncertainty for entities purchasing power from the plant. However, under present conditions the above may be considered by the Commission as an exceptional condition.

5. After hearing the learned counsel for the petitioner and representative of NRLDC, the Commission directed the petitioner to file rejoinder to reply of NRLDC, with an advance copy to NRLDC, on or before 28.6.2013. The petitioner was also directed to

file the technical aspect and details of its de-siltation chambers by 28.6.2013 with the advance copy to the NRLDC.

6. Subject to above, the Commission reserved order in the petition.

By order of the Commission,

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