

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 114/MP/2013**

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

Date of hearing : 5.8.2014

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Petitioner : NTPC Limited, New Delhi

Respondents : Western Regional Power Committee, Mumbai and others

Parties present : Shri M.G. Ramachandran, Advocate, NTPC  
Ms. Anushree Bardhan, Advocate, NTPC  
Ms. Poorva Saigal, Advocate, NTPC  
Shri Nishant Gupta, NTPC  
Shri Suchitra Maggon, NTPC  
Shri Rajesh Jain, NTPC  
Shri Uday Shankar, NTPC  
Shri S. Kumar, NTPC  
Shri K.P. Sataposhy, NTPC  
Shri K. Muralikrishna, WRLDC  
Ms. Jyoti Prasad, WRLDC  
Shri P.J. Jani, GUVNL  
Shri Anurag Naik, MPPMCL

**Record of Proceedings**

Learned counsel for the Maharashtra State Electricity Distribution Company Limited (MSEDCL) submitted that WRLDC has not served copy of the affidavit dated 4.3.2013 containing data on the fuel shortage and requested for time to file its response on the affidavit filed by WRLDC.

2. The representative of GUVNL submitted that based on the revised information submitted by WRLDC, GUVNL has filed its reply. The representative of GUVNL further submitted that GUVNL has filed cross objections to the claims of the NTPC as it has turned out from the reports of WRLDC that NTPC has been charging the beneficiaries

in a similar manner since 1.4.2009. He further submitted that the Commission`s order in this petition should be made applicable with effect from 1.4.2009.

3. Learned counsel for the petitioner submitted that as per Regulation 21 (4) of the 2009 Tariff Regulations, in case of fuel shortage in a thermal generating station, the generating company may propose to deliver a higher MW during peak-load hours by saving fuel during off-peak hours. In the Commercial Committee meeting of WRPC held on 30.5.2009, the same was accepted and the practice continued till February, 2013. He further submitted that the present petition is only limited to the issue on the wrong decision taken by the respondents as recorded in the minutes of the meetings 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 2009 Tariff Regulations. Learned counsel for the petitioner sought permission to file response to the cross objections of GUVNL which was allowed

4. The Commission directed WRLDC to serve copy of the affidavit dated 4.3.2013 to MSEDCL who shall file its response, by 14.8.2014, with an advance copy to the petitioner and respondents. The petitioner may file its rejoinder, if any, by 22.8.2014.

5. The Commission directed the petitioner to file an additional affidavit by 14.8.2014 with an advance copy to the respondents, who may file its response, by 22.8.2014.

6. The Commission directed to list the petition for hearing on 25.9.2014.

By order of the Commission

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