

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 33/MP/2014

Subject : Dispute arising as a result of non furnishing of details by NTPC and DVC in terms of Regulation 21 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009.

Date of hearing : 12.2.2015

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

Petitioner : Tata Power Delhi Distribution Limited

Respondents : NTPC and others

Parties present : Shri Alok Shankar, Advocate, TPDDL
Ms. Shimpy Mishra, TPDDL
Shri Ashis Kumar Dutta, TPDDL
Shri Lokesh Sahitya, TPDDL
Shri Sumit Saihder, TPDDL
Shri Uttam Kumar, TPDDL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Shyam Kumar, NTPC
Shri Vivek Kumar, NTPC
Shri A.K. Bishoi, NTPC
Shri A.K. Sil, DVC

Record of Proceedings

Learned counsel for the petitioner submitted as under:

(a) Pursuant to the Commission`s direction, a meeting between officials of the parties was convened by the petitioner in which the representative of NTPC participated. The representative of DVC was not present. The meeting did not yield any results.

(b) The respondents are not providing the details and break-up of the fuels in compliance with Regulation 30 (7) of the Central Electricity Regulatory

Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations);

(c) Delhi Electricity Regulatory Commission (DERC) vide order dated 14.11.2014 disallowed Power Purchase Cost Adjustment Charges (PPAC) on the ground that complete information regarding pricing of fuel and billing of power generated at their stations had not been furnished;

(d) The respondents should justify any drastic difference between cost of coal mentioned in the website of Coal India Ltd. for the grade of coal as received/as fired by the generating station and that claimed by the generating companies as provided in Form 15 of Tariff Regulations.

(e) The respondents should not be permitted to recover the fuel cost without furnishing adequate details which entitle the petitioner to recover such cost in the form of PPAC from its consumers. At present, the petitioner is making continuous payments to the generating companies for the energy received but the fuel surcharge is not being allowed by DERC.

(f) DVC has refused to provide copy of the power bills for the last quarter despite reminders.

(g) As per Section 39 of the Specific Relief Act, 1963, a mandatory injunction must be granted directing the generating stations to recover energy charge only when the same is supported by details as per the Regulations. All the requirements for grant of mandatory injunction under Section 39 have been satisfied.

2. Learned counsel for NTPC and DVC submitted as under:

(a) The attempt made by the petitioner purporting to act as per the directions given by the Delhi Electricity Regulatory Commission and seeking particulars, is contrary to the scheme and provisions of the Act. The generating tariff of the respondents is regulated by the Central Commission in terms of Section 79 (1) of the Act. In terms of Rule 8 of the Electricity Rules, 2005, the tariff determined by the Central Commission for generating companies is binding and cannot be re-opened either directly or indirectly at the instance of any of the State Electricity Regulatory Commission.

(b) NTPC has already furnished to the petitioner the information in respect of all NTPC stations regarding the fuel cost details for the period April 2014 to October 2014 as per the provisions of Tariff Regulations.

(c) NTPC has given the requisite documents, namely GCV of coal on 'as received basis' as per the 2014 Tariff Regulations and details of the actual

amount paid to the coal companies for the quantum of coal purchased on monthly basis.

(d) The aspect on the grade slippage from the time of loading till the measurement on 'as received basis' has been a subject matter of representation to the Govt. of India and the proceedings before the Competition Commission of India. There is no option to proceed on the basis that there is a grade slippage in regard to the GCV measured at the time of loading and measured at the time on 'as received basis' till an acceptable and satisfactory resolution.

3. Due to paucity of time, learned counsel for the parties could not complete their arguments.

4. The Commission directed to list the matter for hearing on 27.2.2015.

By order of the Commission
Sd/-
(T. Rout)
Chief (Law)