

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.108/MP/2015**

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

**Date of Hearing: 07.4.2015  
Date of Order : 22.4.2015**

**In the matter of**

Petition for extension of three months beyond the prescribed period for inter-change of power, and for relaxation of the norms pertaining to trial run and trial operation of Unit-1 (685 MW) of the petitioner's power plant in Raikheda, District Raipur, Chhattisgarh.

**And  
In the matter of**

GMR Chhattisgarh Energy Limited  
25/1, Skip House, Museum Road,  
Bangalore, Karnataka-560 025.

**...Petitioner**

**Vs**

Western Regional Load Despatch Centre  
F-3, M.I.D.C. Area, Marole,  
Andheri (East), Mumbai-400 093

**..Respondent**

**Parties present:**

Shri Sitesh Mukherjee, Advocate for the petitioner  
Ms. Ramali Batra, Advocate for the petitioner  
Shri Jafar Alam, Advocate for the petitioner

**ORDER**

The petitioner, GMR Chhattisgarh Energy Limited, has filed the present petition under Clause (7) of Regulation 8 of the Central Electricity Regulatory Commission (Grant of connectivity, Long-term Access and Medium-term Open



access in inter-state transmission and related matters) Regulations, 2009 as amended from time to time (Connectivity Regulations), Central Electricity Regulatory Commission (Deviation Settlement Mechanism) Regulations, 2014 and Regulation 54 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 with the following prayers:

*"(a) Declare that the date of commercial operation of Unit-I of the petitioner is at 00.00 hours of 30.3.2015;*

*(b) Or in the alternative to prayer (a), allow the petitioner extension of time for injection of infirm power for testing including full load testing by Unit-I of its plant for a period of three months beyond 2.4.2015 after condoning the delay in filing the instant petition; and*

*(b) Pass such other and further orders as this Hon`ble court may deem fit and proper under the facts and circumstances and in the interest of justice".*

2. The petitioner is setting up 1370 MW (2x685 MW) super-critical thermal coal fired power project ('the project') at Raikheda district in the State of Chhattisgarh.

3. The Unit-1 of the project achieved oil and coal synchronization on 2.10.2014 and 2.11.2014 respectively. Trial run of Unit-1 of the project was completed on 2.3.2015 in accordance with Regulations 4 and 5 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations). Pursuant to the successful completion of trial run of Unit-1, the petitioner vide its letter dated 17.3.2015 requested the Central Electricity Authority to approve the trial run of Unit-1 and



to recommend the petitioner`s trial run information to the concerned authorities for further action. The petitioner vide its letter dated 20.3.2015 informed the Western Regional Power Committee (WRPC) regarding trial run of Unit-1 and requested to recommend the same to the concerned authorities. However, Western Regional Load Despatch Centre (WRLDC) vide its letter dated 23.3.2015 informed the petitioner that since the Unit-1 of the project had not completed the trial run for a period of 72 hours continuously at Maximum Continuous Rating (MCR), the COD of Unit-1 of the project could not be considered as of 00.00 hours of 30.3.2015. WRPC vide its letter dated 26.3.2015 addressed to CEA reiterated the findings of WRLDC.

4. The petitioner has submitted that by achieving full load of 685 MW and keeping Unit-1 under continuous operation for 90 hours with generation reaching 691 MW and averaging 622 MW, it has achieved substantial compliance with the provisions of Regulations 4 and 5 of the 2014 Tariff Regulations. The petitioner has stated that ex-bus generation of Unit-1 has been able to cross 90% of the MCR only in 45 blocks out of 288 blocks during the trial run period, due to the following reasons beyond its control:

(a) The petitioner does not have a fuel linkage and has not been allocated any commissioning coal by Coal India Limited. The project requires that a large stockpile of coal be maintained in order to carry



out commissioning activities. The quality of coal in the petitioner's stockpile suffered a sharp deterioration owing to untimely rains;

(b) WRLDC in its letter dated 23.3.2015 has restricted load during the trial run period despite having been informed by the petitioner that the Unit-I of the project was undergoing trial operations.

5. The petitioner has submitted that since it has achieved substantial compliance with Regulations 4 and 5 of 2014 Tariff Regulations, the Commission may relax the said provisions by exercising power conferred under Regulation 54 of the 2014 Tariff Regulations. In the alternative, the petitioner has requested to allow extension of time for injection of infirm power into the grid for the commissioning tests including full load test of Unit-1 by three months from 2.4.2015.

6. During the course of hearing, learned counsel for the petitioner submitted that due to poor quality of coal and design problem in plant, COD of the Unit-1 could not be achieved. Learned counsel requested the Commission to allow three months time to rectify the defects, etc.

7. We have considered the prayers of the petitioner. The first prayer of the petitioner is that the provisions of Regulations 4 and 5 of the 2014 Tariff Regulations should be relaxed by invoking power under Regulation 54 of the



2014 Tariff Regulations. Clause (1) of Regulation 2 of the 2014 Tariff Regulations provides that the said regulations shall apply in all cases where tariff of the generating station including unit thereof is required to be determined by the Commission under Section 62 of the Electricity Act, 2003 read with Section 79 thereof. Under Section 62, the tariff shall be determined by the Appropriate Commission for supply of electricity by a generating company to the distribution licensees. Under Section 79 (1) (a) and (b) of the Act, this Commission has jurisdiction to determine the tariff of the generating company owned and controlled by the Central Government or the generating company which have entered into or otherwise have a composite scheme for generation and sale of electricity in more than one State. There is no averment in the petition that the generating station is meeting the requirement of Section 62 read with Section 79 of the Act. Therefore, the 2014 Tariff Regulations is not applicable in case of the petitioner company and accordingly, the first prayer is not maintainable before the Commission.

8. In the second prayer, the petitioner has submitted that three months time is necessary to stockpile a sufficient quantity of coal to carry out the trial operations of the Unit-1 of the project. Accordingly, the petitioner has requested to allow extension of time for injection of infirm power into the grid for the commissioning tests including full load test of Unit-1 by three months beyond 2.4.2015. The



Fourth proviso to Regulation 8 (7) of the Connectivity Regulations, as amended from time to time, provides as under:

"Provided that the Commission may in exceptional circumstances, allow extension of the period for inter-change of power beyond the period as prescribed in this clause, on an application made by the generating station at least two months in advance of completion of the prescribed period:

Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view."

9. The petitioner has submitted that it has injected only 66.74 MUs of power since 2.10.2014 and it is seeking extension of time for *bonafide* reasons and not for trading of infirm power. It is noted that the petitioner could not complete the trial operations of Unit-1 of the project due to design problems in the plant's oil and coal burners and delay in the construction of the natural draft cooling tower. Taking into consideration the problems faced by the petitioner, we allow extension of time for injection of infirm power into the grid for commissioning tests including full load test of Unit-1 of the project up to 30.6.2015 or actual date of commercial operation, whichever is earlier. We expect the petitioner to make all efforts to ensure the commercial operation of Unit-1 of the project by this date.

10. With the above, the Petition No. 108/MP/2015 is disposed of.

**Sd/-**  
**(A.S.Bakshi)**  
**Member**

**sd/-**  
**(Gireesh B. Pradhan)**  
**Chairperson**

