

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.154/MP/2016

Subject :Petition under Section 79(l)(a) of the Electricity Act, 2003 for relief on account of Force Majeure events affecting the Farakka Super Thermal Power Station Stage-I&II (1600 MW) and Stage-III (500 MW).

Date of hearing : 3.11.2016

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

Petitioner : NTPC Limited

Respondents : West Bengal State Electricity Distribution Co. Ltd.&Others

Parties present : Shri Sitiesh Mukherjee, Advocate, NTPC
Shri Deep Rao, Advocate, NTPC
Shri Umesh Ambati, NTPC
Shri Nishant Gupta, NTPC

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking relief on account of Force Majeure event due to complete shutdown of the 2100 MW Farakka Super Thermal Power Station ("generating station"). Learned counsel for the petitioner further submitted that the generating station has been forced to shut down due to non-availability of cooling water from the adjacent Ganga Feeder Canal.

2. Learned counsel for the petitioner further submitted that a factor which contributed to the unavailability of cooling water is the annual sharing of a pre-specified quantum of water from the canal with Bangladesh pursuant to the treaty between the Government of the People's Republic of Bangladesh and the Government of India on Sharing of the Ganga/ Ganges Waters at Farakka, 1996, The mandatory diversion of substantial volumes of water to Bangladesh coupled with an unprecedented dry spell in the upstream regions of the Ganga and lack of precipitation have caused the water level in the Ganga Feeder Canal to fall to extremely low levels.

3. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents by 11.11.2016. The respondents were directed to file their replies by 25.11.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 3.12.2016.

5. The Commission further directed the petitioner to submit the following information on affidavit, latest by 3.12.2016 with an advance copy to the respondents:

- (a) Specific circumstances/ reasons responsible for inadequate availability of water during February to March 2016 apart from the reason of Indo-Bangla Water Treaty, 1996,
- (b) Reason for not installing water pump during 2009-14 even though it was agreed at that point that considering the level if water came down in Ganga Feeder Canal, the lift pump was necessary to draw required quantum of water for cooling towers,
- (c) Whether correspondence with Farakka Barrage Authority was made for maintaining required level of water in Ganga Feeder Canal during lean period so that the station get sufficient water for cooling towers; if so, submit the details of the same with documentary evidence,
- (d) Explain how the Indo-Bangla Treaty, 1996 has affected the availability of water to Farakka STPS during lean period.
- (e) Explain the availability of water for Stage-III (500 MW) at the time of investment approval which was beyond the date of signing the Indo-Bangla Treaty 1996.

6. The Commission directed that due date of filing the, information, replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

7. The petition shall be listed for hearing on 12.1.2017.

By order of the Commission

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