

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 292/MP/2015

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 seeking recovery of excess amount vis-à-vis interest on working capital after taking consideration lack of stock of coal maintained by NTPC for Farakka Super Thermal Power Station.

Date of hearing : 7.1.2016

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

Petitioner : West Bengal State Electricity Distribution Company Limited

Respondent : NTPC Limited

Parties present : Shri Sakia Choudhery, Advocate for the petitioner
Ms. Molshree Bhatnagar, Advocate for the petitioner

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to the respondent to reimburse the additional amount collected from the petitioner on account of differential in actual coal stock maintained qua normative coal block. Learned counsel for the petitioner further submitted as under:

(a) Regulation 18 (a) (i) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (2009 Tariff Regulations) provides that working capital shall cover the cost of coal or lignite and limestone, if applicable, for one and half months for pit-head generating stations and two month for non-pit-head generating stations, for generation corresponding to the normative annual plant availability. Accordingly, the respondent is required to maintain coal stock of 45 days in case of pithead generating station and 60 days in case of non-pithead generating station.

(b) The petitioner has paid tariff as per the Commission`s order dated 14.6.2012 in Petition No. 222/2009 taking into consideration coal stock required to be maintained by the respondent as per 2009 Tariff Regulations. However, the petitioner is not complying with the provisions of the 2009 Tariff Regulations.

(c) As per information available from the respondent through RTI, there is mismatch between the total imported coal procured and consumed by the respondent during 2014-15. The total imported coal procured by the respondent during 2014-15 for Farakka STPS Stage I and II is 1286630 MT whereas consumption of imported coal during the above period was 1391899 MT.

(d) The respondent is not maintaining coal stock for even 7 days out of mandatory period of 45/60 days but is over-charging the petitioner. Therefore, it is a burden on the consumer.

2. After hearing the learned counsel for the petitioner, the Commission directed the petitioner to convene a meeting with the respondent within one month to resolve the issue and file outcome of the meeting within 15 days thereafter.

3. If the issue is not resolved amicably, the petition will be listed for hearing on admission on 8.3.2016.

By order of the Commission

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