

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 305/MP/2015

- Subject : Petition under section 79 of the Electricity Act, 2003 read with the provisions of the Power Supply Agreement dated 5.1.2011 and Power Purchase Agreement dated 25.3.2011, for directions to make Energy Charges as pass through based on the actual fuel cost incurred by the petitioner.
- Date of hearing : 4.2.2016
- Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member
- Petitioner : Adhunik Power and Natural Resources Limited
- Respondents : West Bengal State Electricity Distribution Company Limited and others.
- Parties present : Shri Sanjay Sen, Senior Advocate, APNRL
Shri Saransh Shaw, Advocate, APNRL
Shri Pailnay D. Shah, Advocate, APNRL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking directions to make energy charge as pass through on the actual fuel cost incurred by the petitioner. Learned senior counsel for the petitioner further submitted as under:

- (a) The petitioner has set up a 540 MW (2x270 MW) thermal power project at Saraikela-Kharsawn in the State of Jharkhand (hereinafter referred to as the "project"). Out of 123 MW is the share of Jharkhand, 100 MW is being supplied to the State of WBSEDCL through PTC and 100 MW is being supplied to the State of Tamil Nadu.
- (b) The petitioner has also set up joint venture with Tata Steel for Captive Coal Block (Ganeshpur Coal Block) in the State of Jharkhand.
- (c) On 5.1.2011, PTC entered into a Power Supply Agreement (PSA) with WBSEDCL for sale of 100 MW power on a round the clock basis for a period of 25 years. In terms of the said PSA, PTC agreed to make available 100 MW power

at the delivery point i.e. the metering point on the interconnection between the project and the CTU. On 25.3.2011, the petitioner entered into a PPA with PTC India Limited for sale and purchase of 100 MW power for further sale to WBSEDCL.

(e) The petitioner has also the arrangement to supply power to Jharkhand and Tamil Nadu. Therefore, the petitioner has a composite scheme for generation and sale of electricity in more than one State.

(f) Due to cancellation of coal blocks allotted to the petitioner by the Hon`ble Supreme Court, the Govt. Department stalled all permissions and clearances to be given for development of coal blocks and therefore, the development of petitioner's captive coal block was indefinitely delayed.

(g) The petitioner vide its letters dated 9.2.2013 and 13.3.2013 informed PTC that the coal procurement cost is much higher as compared to the estimated landed price coal cost from the allotted Ganeshpur coal block. The petitioner vide its letter dated 22.3.2013 requested PTC to make actual coal cost pass through till operationalisation of Ganeshpur coal block, as arranging coal from different sources is a challenge and the procurement of coal requires time. In response, PTC vide its letter dated 13.5.2013, rejected the petitioner's proposal in this regard.

2. After hearing the learned senior counsel for the petitioner, the Commission directed to issue notice to the respondents on maintainability of the petition.

3. The Commission directed the petitioner to serve copy of the petition on the respondent by 19.2.2016. The respondents were directed to file their replies, on affidavit, by 4.3.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 18.3.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 31.3.2016 on maintainability.

By order of the Commission

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