

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 28/MP/2016

Subject : Petition under Regulation 111 of Central Electricity Regulatory Commission (Conduct of Business Regulations, 1999) seeking clarification on the methodology of computation of availability for inter-State generating stations such as Maithon Power Limited for which capacity has been tried up in Mega war basis.

Date of hearing : 21.4.2016

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Maithon Power Limited

Respondents : Damodar Valley Corporation and others

Parties present : Shri Vishal Anand, Advocate, MPL
Shri Shubhayu Sanyal, MPL
Shri Aveek Chatterjee, MPL
Shri Janmau .M, MPL
Ms. Ranjana Roy Gauri, Advocate, TPDDL
Ms. Vasutha Sen, Advocate, TPDDL
Ms. Anunima Gautam, Advocate, TPDDL
Shri Farruku Aamir, TPDDL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking clarification regarding the appropriate methodology for computation of Plant Availability for the generating station for which the share of the contracted capacity for different beneficiaries is based in terms of megawatt and not under any pre-determined percentage allocation. Learned counsel for the petitioner further submitted as under:

(a) The petitioner has set up and operates the 1050 MW (2X525 MW) Maithon Right Bank Thermal Power Project in Jharkhand. Out of the total installed capacity of 1050 MW, 300 MW remained untied from the date of commercial operation of the project till 31.3.2013. Subsequently, 150 MW was contracted with WBSEDCL and the remaining 150 MW remained untied from 1.4.2013 to 27.12.2015.

(b) The petitioner has been calculating plant availability on the basis of tied up contracted capacity on mega watt basis with each of the beneficiaries and has been declaring capacity *qua* the 900 MW contracted capacity. Since 150 MW was not contracted or tied up with any beneficiary, availability for the same was not declared by the petitioner.

(c) As per DVC, the entire installed capacity of the project ought to be taken into account while computing the plant availability and the allocation of capacity is to be done in percentage terms instead of the contracted capacity in mega watt terms with each long term beneficiaries.

(d) The petitioner could not schedule capacity on percentage basis of installed capacity as entire capacity of the project was not contracted at that time and PPAs were executed on megawatt basis.

(d) The issue was discussed in 31st ERPC and Technical Co-ordination Committee and 116th Operation Co-ordination Committee meetings held on 13.11.2015 and 23.12.2015 respectively wherein it was mutually decided that the clarification should be sought from the Commission on methodology and computation of the Plant Availability in terms of the 2009 Tariff Regulations and 2014 Tariff Regulations.

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

3. Learned counsel for TPDDL requested for four weeks time to file reply to the petition.

4. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies, on affidavit, by 20.5.2016 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 6.6.2016. 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.

5. The petition shall be listed for hearing on 16.6.2016.

By order of the Commission

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