

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 220/MP/2016**

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 seeking adjudication of dispute between West Bengal State Electricity Distribution Company Limited and NTPC Limited and Damodar Valley Corporation relating to over invoicing and recovery of Rs. 1192.67 Crores.

Date of hearing : 19.1.2017

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

Petitioner : West Bengal State Electricity Distribution Co. Ltd. (WBSEDCL)

Respondents : NTPC Ltd. and Others

Parties present : Shri Amit Kapur, Advocate, WBSEDCL  
Shri Vishrov Mukerjee, Advocate, WBSEDCL  
Ms. Raveena Dhamija, Advocate, WBSEDCL  
Shri Sitiesh Mukherjee, Advocate, NTPC  
Ms. Akansha Tyagi, Advocate, NTPC  
Shri Shankar Saran, NTPC  
Shri Nishant Gupta, NTPC

**Record of Proceedings**

Learned counsel for the petitioner submitted that the present petition has been filed seeking refund of excess amount billed by NTPC and DVC on account of measurement of GCV at incorrect place which is in violation of the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations) and the Commission's orders dated 25.1.2016, 19.2.2016, 20.5.2016 and 30.6.2015 in Petition Nos. 283/GT/2014, 33/MP/2014, 14/SM/2014 and Review Petition No. 11/2016 in Petition No. 283/GT/2014, respectively. Learned counsel for the petitioner further submitted as under:

(a) As per Regulation 30 (6) of the 2014 Tariff Regulations, while computing energy charges, the generating companies are required to take into consideration base price of coal notified by subsidiaries of Coal India Limited. However, respondents have been charging the landed price of coal of a grade far in excess of the declared GCV.

(b) As per Regulation 30 (8) of 2014 Tariff Regulations, for the purpose of computation of energy charge, the price of coal as well as the quantum of coal consumed for generation of electricity should correspond the GCV of coal measured on as received basis.

(c) The petitioner vide its letter dated 3.5.2016 requested NTPC and DVC to provide relevant information regarding parameters of GCV and price of fuel in compliance of Regulation 30 (7) of the Tariff Regulations, 2014. In response, NTPC vide its letter dated 23.5.2016 stated that NTPC is raising energy charges in accordance with Regulation 30 (6) of the 2014 Tariff Regulations based on GCV of coal 'as received'. However, DVC did not reply to the petitioner's letter.

2. Learned counsel appearing on behalf of NTPC requested for time to file reply to the petition.

3. After hearing the learned counsels for the petitioner and NTPC, 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 immediately if already not served. The respondents were directed to file its reply by 17.2.2017 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 3.3.2017.

5. The Commission directed the NTPC and DVC to file the following information on affidavit, by 23.2.2017:

(a) Details of landed price of coal giving breakup of base price of coal, royalty, green energy cess, excise duty, railway transportation and any other charges giving the details of each generating stations for the period 2015-16 on monthly basis supported by one month invoices for each generating station;

(b) Computation of energy charges specifying the GCV considered during each month on 'as fired' and 'as received' basis for the year 2015-16 and reasons for difference from as billed GCV for the month; and

(c) Provide proof of implementation of direction of Commission of measuring GCV on as received basis from October, 2016.

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

7. The petition shall be listed for hearing on 9.3.2017.

**By order of the Commission**

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