

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 139/MP/2017**

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Regulations 54 and 55 of the CERC (Terms and Conditions of Tariff) Regulations 2014 seeking appropriate relief due to extreme practical difficulty faced by the petitioner in implementing Regulation 30(6) of the said Regulation and directions issued by the Commission in its order dated 25.1.2016 and for consequential directions.
- Petitioner : Maithon Power Limited.
- Respondents : Tata Power Delhi Distribution Limited & Others.

**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 crore.
- Petitioner : West Bengal State Electricity Distribution Co. Ltd. (WBSEDCL).
- Respondents : NTPC Ltd. and Others

**Petition No. 311/MP/2015**

- Subject : Petition for appropriate directions restraining the respondent from recovering the energy charge rate strictly in terms of the Tariff Regulations framed by the Commission.
- Petitioner : Tata Power Delhi Distribution Company Limited.
- Respondent : NTPC Ltd.

**Petition No. 64/MP/2016**

- Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 30(7) of CERC (Terms and Conditions of Tariff), Regulations, 2014 seeking adjudication of dispute between petitioners i.e. BSES Rajdhani Power Limited and BSES Yamuna Power Limited with NTPC Ltd.

Petitioner : 1. BSES Rajdhani Power Limited (BRPL)  
2. BSES Yamuna Power Limited (BYPL)

Respondent : NTPC Ltd.

Date of hearing : 21.11.2017

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

Parties present : Shri Sanjay Sen, Senior Advocate, TPDDL  
Shri Ashis Kr. Dutta, TPDDL  
Shri Uttam Kumar, TPDDL  
Shri Vishal Vij, TPDDL  
Shri Pratyush Pandey, TPDDL  
Shri Amit Kapoor, Advocate, WBSEDCL  
Shri Janmali Manikala, Advocate, WBSEDCL  
Shri Tabrez Malawat, Advocate, WBSEDCL  
Shri Venkatesh, Advocate, MPL  
Shri Pratyush Singh, Advocate, MPL  
Shri Vikas Maini, Advocate, MPL  
Shri M.G. Ramachandran, Advocate, DVC  
Ms. Anushree Bardhan, Advocate, DVC  
Shri Pulak Bhattacharya, DVC  
Shri Pratik Biswas, DVC  
Shri Buddy A. Ranganadhan, Advocate, BRPL & BYPL  
Shri Vishal Anand, Advocate, TPDDL, BRPL & BYPL  
Shri Rahul Kiran, Advocate, BRPL & BYPL  
Shri Ashutosh K. Srivastava, Advocate, BRPL & BYPL  
Shri Sameer Singh, Advocate, BYPL & BRPL  
Shri Sanjay Srivastava, BRPL  
Shri Kanishk, BRPL  
Shri Sunil Kakkar, BYPL  
Shri Haridas Maity, BYPL  
Shri Anupam Varya, BRPL & BYPL  
Shri Gagan Swain, BYPL  
Shri Abhishek Srivastava, BYPL  
Shri Suresh Mukherjee, Advocate, NTPC  
Shri E.P. Rao, NTPC  
Shri K.K. Sinha, NTPC  
Shri Shankar Saran, NTPC  
Shri A. Basu Roy, NTPC  
Shri Sukhinder Singh, NTPC  
Shri Pramod Kumar, NTPC  
Shri Nishant Gupta, NTPC  
Shri Manoj Kumar Sharma, NTPC

## Record of Proceedings

The petitions were listed for hearing along with Petition No. 244/MP/2016.

2. Learned counsel for Damodar Valley Corporation (DVC) submitted that the DVC has been undertaking the measurement of coal by taking sample from the wagon top on manual basis, despite facing serious difficulties in undertaking such measurements from the railway wagon top. Since October 2016, DVC has been pursuing with CIMFR for undertaking such measurement from the railway wagon top. Learned counsel further submitted that Regulation 30 (6) of the 2014 Tariff Regulations provides that Energy Charges are to be calculated on the basis of the GCV on 'as received basis' i.e. at the station end and not on the basis of the GCV of coal measured at the loading point at the mine end. DVC has been billing WBSDDL for Energy Charges based on GCV as Received basis.
3. Learned senior counsel for TPDDL submitted that there is no data from Aravali Power Company Private Limited (APCPL). In response, learned counsel for NTPC submitted that APCPL is not a party to the present petitions and if TPDDL is willing to obtain data from APCPL, it should be implead APCPL as party to the petition.
4. After hearing the learned senior counsel and counsels for the parties, the Commission directed TPDDL to implead APCPL as party to the petition and file revised memo of parties immediately. The Commission directed the parties to file their response, if any and complete pleadings by 31.12.2017.
5. The Commission directed to list these petitions for hearing after disposal of Petition No. 244/MP/2016.

**By order of the Commission**

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