

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.225/MP/2017

Subject : Petition seeking compensation for loss of Capacity Charge on account of inadequate availability of fuel gas under provisions of Regulation 54 (Power to Relax) of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2014 in respect of the Assam Gas Based Power Plant (AGBPL).

Petitioner : NEEPCO

Respondent : Assam Power Distribution Company Ltd. & others

Date of hearing : **3.5.2018**

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

Parties present : Shri M.G.Ramachandran, Advocate, NEEPCO
Ms. Ranjitha Ramachandran, Advocate, NEEPCO
Ms. Poorva Saigal, Advocate, NEEPCO
Shri D. Chaudhary, NEEPCO
Ms. E. Pyrbot, NEEPCO
Shri B.M.Saikia, APDCL
Shri K. Goswami, APDCL
Shri Ashish Shrivastava, OTPC

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that due to inadequate supply of fuel gas by Oil India Limited (OIL), it has become impossible to achieve NAPAF of 72% as specified in the 2014 Tariff Regulations. Though the FSA with OIL stipulates an agreed quantum of 1.4 MMSCUMD, OIL has been unable to supply this quantum on regular basis for various reasons since July, 2016. He also referred to communication dated 1.9.2016 of OIL and submitted that OIL had served notice of Force Majeure conditions in respect of disruption of gas supply. The learned counsel further submitted that it has filed its rejoinder to the reply filed by the Respondent, APDCL.

2. On a specific query by the Commission if there was any back to back agreement with the Respondent based on the FSA with OIL, the learned counsel for the Petitioner replied in the negative. He however submitted that the source of supply of gas to the generating station has been identified under the FSA and



the Respondents are also aware of the same. He accordingly submitted that the FSA inherently form part of the PPA as no alternative source of supply of gas to the generating station is available.

3. On being pointed out by the Commission that the Respondent, APDCL has neither e- filed its reply nor has the hard copy been received, the representative of APDCL prayed for grant of time to file its reply. The Commission accepted the prayer and granted two days' time to file the same. It is however noticed that the Respondent, APDCL has e-filed its reply in course of the day and the same is taken on record.

4. The Commission after hearing the parties directed the Petitioner to submit the following, on affidavit, on or before **6.6.2018**:

(a) Copy of the PPA entered into with APDCL (erstwhile ASEB)

(b) Copy of the original Fuel Purchase Agreement (FPA) entered into in April, 1999, based on which gas was supplied to the station since COD of the station along with FPA dated 24.6.2015, including amendments, if any.

(c) Month-wise and unit-wise DC, schedule received against the DC, actual energy generation, forced outage, planned outage etc from July, 2016 to March, 2018.

(d) Month-wise break- up of gas received and gas used in gas boosters driven by gas engines and gas used in gas turbines for power generation from July, 2016 to March, 2018.

5. Matter shall be listed for hearing on **5.7.2018**.

By order of the Commission

Sd/-

**(B.Sreekumar)
Deputy Chief (Law)**

