

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.267/MP/2017**

- Subject** : Petition under Section 79 of the Electricity Act, 2003 read with Part 7, Clause 4 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 in regard to difficulties faced in implementation of the Detailed Operating Procedure for taking unit(s) under Reserve Shutdown and Mechanism for Compensation for Degradation of Heat Rate, Auxiliary Energy Consumption and Secondary Fuel Consumption due to Part Load Operation and Multiple start/stop of units dated 5.5.2017 notified by this Hon'ble Commission pursuant to the Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fourth Amendment) Regulations, 2016.
- Petitioner** : TANGEDCO
- Respondent** : NLC India Limited and Others
- Date of hearing** : **22.3.2018**
- Coram** : Shri P.K. Pujari, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member
- Parties present** : Shri S.Vallinayagam, Advocate, TANGEDCO  
Shri G.Umapathy, Advocate, TANGEDCO  
Shri M.G.Ramachandran, Advocate, NLC  
Ms. Ranjitha Ramachandran, Advocate, NLC  
Ms. Anushree Bardhan, Advocate, NLC

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner, TANGEDCO submitted that it has been facing difficulties on account of the Detailed Operating Procedure (DOP) dated 5.5.2017 specified under sub-Regulation 6.3B of the IEGC 4<sup>th</sup> amendment Regulations, 2016. He also submitted that the Commission, while finalising the DOP had consulted the CGS and NLDC, but had not consulted the distribution companies purchasing power from ISGS. The learned counsel also submitted that it has been put to huge financial burden without being given an opportunity to respond to the DOP and the same is in violation of the principles of natural justice. He further stated that due to unscheduled infirm power injection by non-conventional energy sources in the State of Tamil Nadu, there has been financial loss to the distribution licensee amounting to ₹622 crore from June to September, 2016. In the above background, the learned counsel pointed out that it has filed IA for grant of interim stay exempting the petitioner from payment of



compensation in terms of the DOP dated 5.5.2017 till disposal of the petition. The learned counsel added that the issue of Merit Order Despatch (MOD) is not being raised at this stage.

2. The learned counsel for the Respondent, NLC submitted that the Petitioner has not been paying the amount due to NLC under the PPA unilaterally on the ground that the matter is pending before the Commission. This would seriously affect the operation of NLC. The learned counsel prayed that the Commission may direct the Petitioner to make payment of the outstanding bills raised by NLC.

3. On an observation by the Commission that the DOP was also finalised in consultation with RPC, to which the Petitioner was member, the learned counsel for Petitioner clarified that though it was a member of RPC (SRPC), no notice was received calling for comments of the Petitioner or for its participation in the meeting. The Commission observed that the matter would be examined. The Commission however refused to grant any interim relief as prayed for by the Petitioner in the IA.

4. Accordingly, the Commission directed NLDC and SRPC to clarify on affidavit, if the Petitioner was consulted in the matter or if comments were called for from the Petitioner. The Commission directed that the above information shall be furnished on or before 6.4.2018.

5. Matter shall be listed for hearing in due course for which separate notice shall be issued.

By order of the Commission

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

