

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 192/MP/2016

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

Date of Order: 20th March, 2018

In the matter of

Petition under Section 79 (1) (f) read with Section 79 (1) (c) of the Electricity Act, 2003 and under Regulation 31 (3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for declared capacity and certification thereof by WRLDC/WRPC in respect of the Petitioner`s 1320 MW (2X660 MW) coal based power project at Nigrie, District Singrauli, State of Madhya Pradesh.

**And
In the matter of**

Jaiprakash Power Venture Limited
Sector 128, Noida-201 304
Uttar Pradesh

...Petitioner

Vs.

1. Western Regional Load Despatch Centre
F-3, MIDC Area, Marol,
Andheri (East), Mumbai-400 093
2. Western Regional Power Committee
F-3, MIDC Area, Marol,
Opp. SEEPZ, Central Road,
Andheri (East), Mumbai-400 093
3. Madhya Pradesh Power Management Company Limited
Shakti Bhawan, Vidyut Nagar
Rampur, Jabalpur (MP)-482 008
4. State Load Despatch Centre, Madhya Pradesh
Madhya Pradesh Power Transmission Co. Limited
Nayagaon, Rampur, Jabalpur-482 008, MP

...Respondents

ORDER

The Petitioner, Jaiprakash Power Venture Limited, has filed the present petition under Section 79 (1)(f) read with Section 79(1)(c) of the Electricity Act, 2003 with the following prayers:

“(a) Direct the WRLDC/WRPC to certify the availability/PAFM of the Petitioner`s power station forthwith;

(b) Declare that the Petitioner shall be entitled to PAF for the period from September 2014 till present based on the capacity /availability declared by the Petitioner and direct the WRPC to accordingly enter the details of the Petitioner`s generation details in the REA for the concerned period with retrospective effect;

Or

In the alternative, if the above relief under prayer (b) cannot be allowed in law, then declare that the Petitioner shall be entitled to be compensated for any loss suffered by it for non-availability of PAF since September 2014 and be resituated by WRLDC to the same economic position as if the Petitioner`s availability stood certified by the WRLDC and included in the REA issued by the WRPC from time to time since September, 2014; and

(c) Ex-parte ad interim orders in terms of prayer (a) pending adjudication of the present petition.

2. Notices were issued to the respondents to file their replies. Reply to the petition has been filed by the respondents.

3. Western Regional Load Despatch Centre (WRLDC) vide its affidavit dated 15.3.2017 has proposed that in order to start facilitating the declared capacity (DC) in respective monthly REAs issued by RPCs, the data may be filled up by the respective IPPs themselves and once this becomes part of the schedule data, it may be passed on by RLDCs to the RPCs which may in turn include the same in the REAs and this alternative may be taken into consideration for prospective declarations and not for retrospective declarations.

4. WRLDC, vide Record of Proceedings for the hearing dated 18.5.2017, was directed to put in place the methodology proposed by it to facilitate certification of declared capacity of the generation station to RPC with effect from 1.6.2017.

5. The Petitioner, vide Record of Proceedings for hearing dated 14.9.2017, was directed to file the data in relation to the declared capacity with copy to the respondents. WRLDC and MPSLDC were directed to forward the data received from the Petitioner to RPCs.

6. The Petitioner vide its affidavit dated 6.10.2017 has furnished the data regarding declared capacity of the two units of the generating station, in a 96 time blocks of each day for the period 1.6.2015 to 31.5.2017 in CD ROM. The Petitioner has further submitted that the above data has been culled out from the data of declared capacity actually submitted to WRLDC.

7. WRLDC, vide its affidavit dated 19.1.2018, has submitted that WRLDC has implemented the proposed methodology with effect from 1.6.2017. WRLDC has submitted that the PPA-wise DC and schedule figures submitted by the Petitioner to WRLDC are being forwarded to WRPC for inclusion in REA and WRPC has been including the above details in the REA with effect from 1.6.2017. WRLDC has further submitted that pursuant to the Commission`s direction, WRLDC received data from the Petitioner on 16.10.2017 and same was forwarded vide letter dated 26.10.2017 to WRPC. Accordingly, WRPC has included the detailed submitted in the REA vide an addendum dated 16.1.2018 which is available on the website of WRPC.

8. The Petitioner vide its affidavit dated 15.2.2018 has submitted that pursuant to the said direction, the Petitioner furnished to WRLDC the declared capacity and day-to-day schedule figures of its generating station on 6.10.2017 for the period from June 2015 till 31.5.2017 which was forwarded by WRLDC to WRPC for inclusion in Regional Energy Accounting. The Petitioner has submitted WRPC has included the details submitted by the Petitioner in respective REAs by way of Addendum dated 16.1.2018, namely "Addendum to REA for the period June 2015 to May 2017. The Petitioner has submitted that the issues in the present petition stand redressed and do not require further adjudication. Learned counsel for the Petitioner also mentioned the matter on 27.2.2018 and requested for disposal of the petition as per the submission made in the affidavit dated 15.2.2018.

9. After considering the submissions of the Petitioner and WRLDC that the dispute between the parties has been amicably resolved, the prayers of the Petitioner no more survive and accordingly, the Petition is disposed of without any direction.

10. The Commission had observed in order dated 31.8.2017 in Petition No. 28/MP/2016 that certification of declaration and plant availability of the generating station of MPL for the prior period i.e. from 2011-14 to 1.8.2017 would be addressed in the light of the decision in Petition No. 192/MP/2016. Maithon Power Limited (MPL) had filed the Interlocutory Application seeking impleadment as party to the present petition. The Commission while disposing of the IA permitted MPL to make its submissions including data confined to its case in the present petition. MPL vide its affidavit dated 3.11.2017 has submitted the data to the Commission, ERPC and ERLDC. MPL vide its affidavit dated 20.2.2018 has submitted that ERPC/ERLDC

may be directed to follow WRLDC`s approach and include the details as submitted by MPL on 5.2.2018 in respective REAs.

11. We are of the view that ERLDC/ERPC should adopt the similar approach as implemented by WRLDC in respect of JPVL. Accordingly, we direct MPL to furnish the declared capacity and day-to-day schedule of its generating station for the past period. On receipt of the data, ERLDC shall disseminate the said information to ERPC for inclusion in the Regional Energy Accounting by issuing necessary Addendum to the REA of the respective months for the past period.

12. The Petition is disposed of in terms of the above.

Sd/-
(Dr. M. K Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(P.K. Pujari)
Chairperson