

**NEW DELHI**

**Petition No. 24/MP/2017**

**Coram:**

**Shri P.K. Pujari, Chairperson**

**Dr. M.K. Iyer, Member**

**Date of Order: 18<sup>th</sup> of September, 2018**

**In the matter of**

Petition under Section 79 (1) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for issuing direction to ERLDC/ERPC to accept 'Declared Capacity' or 'DC' of Unit-I of Nabinagar TPP (4X250 MW) of BRBCL from the successful declaration of COD of Unit-I.

**And**

**In the matter of**

Bharatiya Rail Bijli Company Limited  
Nabinagar Thermal Power Project  
Post- Khaira,  
Disst.-Aurangabad, Bihar- 824303

**...Petitioner**

**Vs.**

1. East Central Railway  
Hazipur, Bihar
2. North Bihar Power Distribution Company Ltd.  
Vidyut Bhawan,  
Bailey Road, Patna  
Bihar- 800001
3. South Bihar Power Distribution Company Ltd.  
Vidyut Bhawan,  
Bailey Road, Patna  
Bihar- 800001
4. Eastern Region Power Committee  
14, Golf Club Road, Tollygunge  
Kolkata- 700033
5. Eastern Regional Load Despatch Centre  
14, Golf Club Road, Tollygunge  
Kolkata- 700033
6. Central Transmission Utility,  
Powergrid Corporation of India Ltd.

**The following were present:**

Ms Swapna Sheshadri, Advocate for the Petitioner  
Shri Shankar Saran, BRBCL  
Shri P.Chaturvedi, BRBCL  
Ms. Suprana Srivastava, Advocate, PGCIL  
Shri Tushar Mathur, Advocate, PGCIL  
Ms Jyoti Prasad, PGCIL  
Shri Ashok Rajan, WRLDC

**ORDER**

The present petition has been filed by the Petitioner, Bharatiya Rail Bijlee Company Limited (hereinafter referred to as "BRBCL") seeking a direction to Eastern Regional Load Despatch Centre (ERLDC)/Eastern Regional Power Committee (hereinafter referred to as 'ERPC') to accept the Declared Capacity (hereinafter referred to as 'DC') as given by Nabinagar Thermal Power Project (NTPP) and to reflect the DC of NTPP in Regional Energy Account (hereinafter referred to as 'REA') without linking the same to the operationalization of Long Term Access. The Petitioner has made the following prayers:

"(i) Direct to ERLDC/ ERPC to accept the DC as given by the NTPP;"

(ii) Direct the ERLDC/ ERPC to reflect the DC of NTPP in REA without linking the same to the operationalization of LTA; and

(iii) Pass an ad-interim ex-parte order in terms of prayers (ii) and (iii) hereinabove and confirm the same after notice to the respondents."

2. Subsequently, Eastern Central Railway filed the Interlocutory Application No. 20 of 2017 in the main petition seeking disposal of the petition qua Respondent No.1/Applicant along with the following prayers:

"(a) Dispose of the present petition, being Petition No.24/MP/2017, filed by the Petitioner qua the Respondent No.1/ ECR, in terms stated in the present application; and

(b) Pass any other or further order as this Commission may deem fit and proper in the facts and circumstances of the present case.”

3. The Commission, after considering the submission of the parties, in its order dated 29.6.2017 disposed of the IA and directed CTU to operationalize the LTA for evacuation of power from Nabinagar Thermal Power Plant and raise the bills for transmission charges in accordance with the LTA. The Commission further directed ERPC to convene a meeting of CTU, ERLDC, Indian Railways, BRBCL and Constituent States and sort out the outstanding issues in connection with scheduling of power from Nabinagar TPP. The relevant portion of the order dated 29.6.2017 is extracted as under:

“26. The main hurdle for scheduling of power from the first unit of BRBCL is the non-availability of consent from the States where the drawal points of the Railways are situated. It is the responsibility of CTU to operationalize the LTA. According to CTU, the evacuation link from BRBCL, namely, Nabinagar-Sasaram 400 kV D/c Line was commissioned on 1.7.2012. No system strengthening has been carried out by CTU for scheduling of power from Nabinagar TPP and the existing and planned transmission system would be used. There is a BPPA between BRBCL and Indian Railways and PPA between BRBCL and Bihar. Therefore, all requirements of operationalization LTA have been met. Accordingly, we direct the CTU to operationalize the LTA for evacuation of power from Nabinagar Thermal Power Plant and raise the bills for transmission charges in accordance with the LTA. Since Indian Railways has intimated the percentage of allocation between different drawal points, ERPC/ERLDC should accept the DC by BRBCL. For drawal of power, it is the responsibility of Indian Railways to facilitate scheduling of power by the respective SLDCs where the State network is used for drawal of power from Nabinagar TPP.

27. In the light of our decision in para 26 above, we direct ERPC to convene a meeting of CTU, ERLDC, Indian Railways, BRBCL and Constituent States and sort out the outstanding issues in connection with scheduling of power from Nabinagar TPP and report to the Commission by 17.7.2017.”

4. During the course of hearing, learned counsel for the Petitioner submitted that the Commission has already issued the direction in the interim order dated 29.6.2016. Pursuant to the issue of the order, LTA has been operationalized and

ERLDC/ERPC have been accepting DC given by the Petitioner. Learned counsel submitted that the Petition may be disposed of in terms of the direction in order dated 29.6.2017. Learned counsel for CTU submitted that as per the Commission`s direction, CTU has already operationalized the 1000 MW LTA of BRBCL.

5. Considering the above submissions of the learned counsels for the parties, we are of the view that after implementation of our order dated 29.6.2017, the prayers of the Petition no more survive and accordingly, the Petition No. 24/MP/2017 stand disposed of.

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

**Sd/-  
(P.K. Pujari)  
Chairperson**