

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Date of Hearing : 30.9.2019

Petition No. 328/MP/2018

Subject : Petition under Regulation 31(6) of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recoupment of under recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the FY 2017-18 in respect of Sewa-II Power Station.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited & Others.

Petition No. 329/MP/2018

Subject : Petition under Regulation 31(6) of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recoupment of under recovered energy charges due to shortfall in energy generation for reasons beyond the control of the generating station during the FY 2016-17 in respect of Dhauliganga Power Station.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited & Others.

Petition No. 348/MP/2018

Subject : Petition under Regulation 31(6) of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recoupment of under recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the FY 2016-17 in respect of Chamera-II Power Station.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited & Others

Petition No. 369/MP/2018

Subject : Petition under Regulation 31(6) of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recoupment of under recovered energy charges due to shortfall in energy

generation for reasons beyond the control of the generating station during the FY 2016-17 in respect of Bairasiul Power Station.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited & Others

Petition No. 330/MP/2018

Subject : Petition under Regulation 31(6) and Regulation 54 and 55 of CERC (Terms and Conditions of Tariff) Regulations, 2014 for recovery of shortfall in energy charges due to reasons beyond control of Teesta Low Dam-III Power Station and recovery of shortfall in capacity charge under Regulation-54&55 due to agitation by GJMM in FY 2017-18.

Petitioner : NHPC Limited

Respondents : WBSEDC Limited

Coram : Shri P. K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri R.S Dvivedi, Advocate, NHPC
Shri Arti Dvivedi, Advocate, NHPC
Shri S.K Sarkar, Advocate, NHPC
Shri Dushyant Kumar, NHPC
Shri V.N.Tripathy, NHPC
Shri Anand K. Ganesan, Advocate, PSPCL
Ms. Swapna Seshadri, Advocate, PSPCL
Shri Ashwin Ramanathan, Advocate, PSPCL
Shri Amal Nair, Advocate, PSPCL
Shri R.B Sharma, Advocate, BKPL
Shri Mohit, Advocate, BYPL
Ms. Neha, Advocate, BYPL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petitions have been filed inter-alia to allow the Petitioner to recover energy charges against the shortfall in generation and for modification of design energy for recovery of allowable energy charges.

2. Learned counsel for the Respondent, BSES Rajdhani Power Limited submitted that the Petitioner has not identified any other regulatory provision under which such a claim can be made and sought from the beneficiaries for recoupment of under-recovered energy charges. Learned counsel further submitted that Regulation 31(6)(a)

of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (2014 Tariff Regulations) provides for the treatment in case actual total energy generated by a hydro generating station during a year is less than the design energy. Thus, the contention of the Petitioner for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station is misconceived and the same is without any basis.

3. Learned counsel for the Respondent, Punjab State Power Corporation submitted that the Petitioner is taking the fact that relaxation will be granted to it as a matter of course and the non-application of mind on the part of the Petitioner is writ large from the fact that it is claiming the shortfall in generation for Financial Year 2017-18 in 2017-18 itself, which is not in line with Regulation 31(6) of the 2014 Tariff Regulations.

4. In response, learned counsel for the Petitioner sought permission to amend the prayers of the Petitions, wherever relaxations have been sought. Request was allowed by the Commission.

5. After hearing the learned counsels for the Petitioner and the Respondents, the Commission directed the Petitioner to file amended Petitions, by 9.10.2019. The Respondents were directed to file their replies on amended Petitions, on or before 18.10.2019, with an advance copy to the Petitioner who may file the rejoinder, if any, by 31.10.2019. The Commission directed that due date of filing the amended Petitions, replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**