

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.323/GT/2018

Coram:

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

Date of Order: 23rd May, 2019

In the matter of

Determination of tariff of Neyveli New Thermal Power Station (2 x 500 MW) of NLC India Limited for the period from anticipated date of commercial operation of Units I & II to 31.3.2019

And

In the matter of

NLC India Limited
First Floor, No.8, Mayor Sathyamurthy Road,
FSD, Egmore Complex of Food Corporation of India,
Chetpet, Chennai-600031

.....Petitioner

Vs

1. Tamilnadu Generation and Distribution Corporation Ltd
NPKRR Maaligai, 144 Anna Salai, Chennai - 600002
2. Transmission Corporation of Andhra Pradesh
Vidyut Soudha, Khairatabad,
Hyderabad - 500082
3. Southern Power Distribution Company of Andhra Pradesh Ltd,
D. No: 19-13-65/A Srinivasapuram
Tiruchhanur Road, Kesavayana Gunta,
Tirupati (AP) - 517501
4. Eastern Power Distribution Company of Andhra Pradesh Ltd
Corporate Office P&T Colony,
Seethammadhara, Visakhapatnam (AP) - 530013
5. Transmission Corporation of Telangana Ltd
Vidyut Soudha, Khairatabad, Hyderabad - 500082
6. Northern Power Distribution Company of Telangana Ltd
H.No 1-1-504, Opp. NIT petrol pump, Chaityanarayani colony,
Hanamkonda, Warangal (Telangana) - 506004
7. Southern Power Distribution Company of Telangana Ltd
2nd Floor, H.No. 6-1-50, Mint Compound, Hyderabad - 500063



8. Power Company of Karnataka Ltd
KPTCL Complex, Kaveri Bhawan
Bangalore - 560009
9. Bangalore Electricity Supply Company Ltd
Krishna Rajendra Circle, Bangalore - 560001
10. Mangalore Electricity Supply Company Ltd
Paradigm Plaza, A.B Shetty circle,
Mangalore - 560009
11. Chamundeshwari Electricity Supply Company Ltd
Corporate Office No. 927, L.J Avenue,
New Kantharaj Urs Road, Saraswathipuram
Mysore - 570009
12. Gulbarga Electricity Supply Company Ltd
Main Road, Gulbarga, Karnataka - 585102
13. Hubli Electricity Supply Company Ltd
PB.Road, Navanagar, Hubli - 580025
14. Kerala State Electricity Board
Vaidyuthi Bavanam, Pattom
Thiruvananthpuram - 695004
15. Puducherry Electricity Department
137, NSC Bose Salai
Puducherry - 605001

...Respondents

Parties present:

Shri M.G. Ramachandran, Senior Advocate, NLC
Ms. Anushree Bardhan, Advocate, NLC
Ms. Poorva Saigal, Advocate, NLC
Ms. Tanya Sareen, Advocate, NLC
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Darpan K.M., Advocate, MESCOM & CESC

ORDER

The Petitioner, NLC India Limited has filed this petition for determination of tariff of Neyveli New Thermal Power Station (2 x 500 MW) (hereinafter referred to as 'the Project/generating station') for the period from the anticipated COD of Unit-I (October, 2018) and Unit-II (December, 2018) till 31.3.2019 in terms of the Central Electricity Regulatory Commission (Terms and



Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”).

2. The Petitioner is in the process of establishing the 2 x 500 MW, lignite fired, Neyveli New Thermal Power Station (NNTPS) at Neyveli. The Project was sanctioned by the Govt. of India on 9.6.2011 with a capital cost of ₹5907.11 crore (October, 2010 base price level) including IDC of ₹559.09 crore with FE component of ₹217.009 Mn US\$ @ 1US\$=44.69. The power from the Project has been allocated to the beneficiaries as per MOP, GOI letter dated 28.5.2011 and the Petitioner had entered into PPAs with the Respondent beneficiaries. The Petitioner has submitted that the anticipated COD of Unit-I is October, 2018 and Unit-II is December, 2018.

3. During the hearing of the petition on 14.5.2019, the learned Senior counsel for the Petitioner submitted that the units of the generating station are expected to achieve commercial operation during the period 2019-20. He therefore submitted that the present Petition may be permitted to be withdrawn, with liberty to the Petitioner to file fresh petition for determination of tariff of the units of the generating station from its anticipated COD till 31.3.2024 in terms of the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019. The learned Senior counsel also sought adjustment of the filing fees already deposited for this Petition towards the tariff Petition to be filed in respect of the units of the generating station for the period 2019-24.

4. We have considered the matter. Regulation 9 (1) of the 2019 Tariff Regulations provide as under:

“9. Application for determination of tariff (1) The generating company or the transmission licensee may make an application for determination of tariff for



new generating station or unit thereof or transmission system or element thereof in accordance with the Procedure Regulations within 60 days of the anticipated date of commercial operation....”

5. The above provision provides that a generating company can file an application for determination of tariff for the new generating station or units thereof which are expected to achieve commercial operation within 60 days of the filing of such application.

6. In view of the submission of the learned Senior counsel for Petitioner that the units of the generating station are likely to achieve COD during the year 2019-20, this Petition filed by the Petitioner in terms of the provisions of the 2014 Tariff Regulations would be rendered infructuous. We therefore find no reason to keep this petition pending. Accordingly, this Petition is disposed of as withdrawn.

7. The Petitioner is however granted liberty to file fresh tariff petition in accordance with the provisions of the Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004 for determination of tariff in terms of the provisions of the 2019 Tariff Regulations. The filing fees deposited by the Petitioner in respect of this Petition shall be adjusted against the tariff petition to be filed by the Petitioner in terms of the liberty granted above.

8. Petition No. 323/GT/2018 is disposed of in terms of the above.

Sd/-
(I.S. Jha)
Member

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

Sd/-
(P.K. Pujari)
Chairperson

