

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.53/MP/2019

**Coram:
Shri P.K.Pujari, Chairperson
Dr. M. K. Iyer, Member**

Date of Order: 11th of March, 2019

In the matter of

Petition under Regulation 8 of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 for seeking permission to allow interchange of power for testing including full load testing and trial run operation of Unit-I of Gadarwara STPP (2X800 MW), beyond the period of six months from the date of first synchronization, i.e., beyond 28.2.2019.

**And
In the matter of**

NTPC Limited,
NTPC Bhawan, Core-7, Scope Complex,
7, Institutional Area, Lodhi Road, New Delhi-110 003

...Petitioner

Vs.

1. CMD
Power System Operation Corporation Limited
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi -110016

2. Managing Director
MPPMCL, Shakti Bhawan
Vidyut Nagar, Rampur
Jabalpur-110003

3. Managing Director
CSPDCL
P.O.-Sundernagar
Danganiya, Raipur-492013

4. Managing Director
MSEDCL, Prakashgad,
Bandra (East),
Mumbai-400051

5. Managing Director, GUVNL,
Sardar Patel Vidyut Bhawan
Race Course, Vadodara
Gujarat-390007

6. Superintending Engineer
Electricity Department,
Govt. of Goa, Vidyut Bhawan,
Panaji, Goa-403001

7. Superintending Engineer
Electricity Department,
Administration of Daman & Diu,
Daman-396210

8. Chief Engineer
Electricity Department,
Administration of Dadra & Nagar Haveli,
Silvasa-396230

...Respondents

The following were present:

Shri Shyam Kumar, NTPC
Shri Parimal Piyush, NTPC

ORDER

The Petitioner, NTPC Ltd., has filed the present Petition for seeking permission of the Commission for injection of infirm power into the grid including drawal of start-up power upto 31.5.2019 or till declaration of commercial operation of Unit-I of 1600 MW (2x800 MW) Gadawara Super Thermal Power Project (hereinafter referred to as the Project) at Narsinghpur district in the State of Madhya Pradesh in terms of clause (7) of Regulation 8 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State transmission and related matters) Regulations, 2009 (hereinafter referred to as the 'Connectivity Regulations') as amended from time to time.

2. The Petitioner has submitted that Gadawara STPP consists of two units of 800 MW each. Unit-I was synchronised with grid on 30.8.2018. However, immediately after the synchronization, the completion works/activities regarding testing including

full load testing and balance work for declaration of commercial operation of the unit got severely affected due to the following reasons:

(a) Delay in laying of Make-up Water pipe line due to Change in Law: Due to amendment in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Land Acquisition Act) by the Govt. of Madhya Pradesh, the Petitioner had to follow the procedure of land acquisition afresh which took almost two years for issuance of award. The above change in law delayed the availability of land in time for laying of Make-up Water pipeline by around 27 months from its schedule completion and certain left out work is still to be completed.

(b) Delay in Konkan Railway (KRCL) work for railway siding:

(i) Delay in the approval of DPR by Railways: There was delay in approval of DPR by West Central Railway. Against the schedule of November, 2014, the DPR was approved on 13.6.2016 by West Central Railway which resulted in sequential delay in award of the engineering work by KRCL for approximately 17 months.

(ii) Delay in land acquisition for Railway siding: The land acquisition for Railway siding got delayed subsequent to the amendment in the Land Acquisition Act by the Govt. of Madhya Pradesh. Pursuant to amendment in the Land Acquisition Act, Govt. of Madhya Pradesh framed the Land Acquisition Rules which were published in the Gazette in the month of September, 2015 and accordingly, the Petitioner revised its application and followed the procedures provided in the Land Acquisition Act. The promulgation of Land Acquisition Act, publication of Rules and subsequent procedural time delayed the award of land acquisition.

(c) Some of the land owners approached the Hon'ble High Court of Madhya Pradesh in September, 2016 for seeking stay on the land acquisition award given by State Authorities. Subsequently, in the month of November, 2016, the Hon'ble High Court of Madhya Pradesh stayed the land acquisition award which was vacated in the month of December, 2017 which resulted the delay in work of railway siding for approximately 22 months.

(d) Agitation by Project Affected People (PAPs): The intermittent agitation by PAPs affected the work of railway siding severely. During the agitation period, no worker could be mobilized for execution of work which delayed the railway siding work.

3. The Petitioner has submitted that it is seeking extension of time for Unit-I of Gadarwara STPP for injection of infirm power into the grid, including drawal of start-up power for *bona-fide* reasons for completion of the balance works and not for the purpose of trading of infirm power or otherwise to derive any undue advantage out of it.

4. The Petition was heard after notice to the Respondents. None was present on behalf of the Respondents.

5. During the course of hearing, the representative of the Petitioner reiterated the submissions made in the Petition and requested to allow the Petitioner for injection of infirm power into the grid for completion of balance work by 31.5.2019.

6. We have considered the submission of the Petitioner. The Fourth Proviso to Regulation 8 (7) of the Connectivity Regulations, as amended from time to time, provides as under:

“Provided that the Commission may in exceptional circumstances, allow extension of the period for inter-change of power beyond the period as

prescribed in this clause, on an application made by the generating station at least two months in advance of completion of the prescribed period:

Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view.”

7. The Petitioner has submitted that it is seeking extension of time for *bona fide* reasons for completion of balance works. The Petitioner has submitted that due to various reasons, namely, delay in pipe-line laying work for make-up water, delay in the work of railway siding, delay in the approval of DPR by Railways, delay in land acquisition for Railway siding and agitation by project affected people, it was not able to declare the commercial operation within the prescribed period of six months from the date of first synchronization of Unit-I. Considering these facts, the Petitioner has requested for permission to inject infirm power till 31.5.2019. Taking into consideration the difficulties faced by the Petitioner, we allow injection of infirm power into the grid for commissioning tests including full load test of Unit-I of the Project upto 31.5.2019 or actual date of commercial operation, whichever is earlier. It is clarified that the extension of time as allowed in this order shall not automatically entitle the Petitioner for IDC/IEDC for delay in declaration of COD which shall be considered on merit at the time of determination of tariff of the unit/generating station.

8. With the above, the Petition No. 53/MP/2019 is disposed of.

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

sd/-
(P.K.Pujari)
Chairperson