

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 450/MP/2019

- Subject : Petition invoking Section 79 of the Electricity Act, 2003 read with (i) Article 10 of the Power Purchase Agreement dated 18.1.2014, (ii) Article 10 of Schedule 1 of the PPA dated 20.1.2014, (iii) Clause 4.7 of the Competitive Bidding Guidelines, and (iv) the Commissions' order dated 3.6.2019 passed in Petition No. 156/MP/2018 seeking approval of the additional capital and operational expenditure on account of installation of various Emission Control Systems in compliance with Ministry of Environment, Forest and Climate Change Notification dated 7.12.2015.
- Petitioner : MB Power (Madhya Pradesh) Limited (MB(MP)L)
- Respondents : Uttar Pradesh Power Corporation Limited (UPPCL) and Ors.
- Date of Hearing : 14.1.2020
- Coram : Shri P.K. Pujari, Chairperson
Shri M.K. Iyer, Member
Shri I.S. Jha, Member
- Parties present : Shri Amit Kapur, Advocate, MB(MP)L
Shri Akshat Jain, Advocate, MB(MP)L
Shri Pratyush Singh, Advocate, MB(MP)L
Shri Rohit Gururani, MB(MP)L
Shri Abhishek Gupta, MB(MP)L
Shri Abhishek Kumar, Advocate, UPPCL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed pursuant to the liberty granted by the Commission in its order dated 3.6.2019 in Petition No.156/MP/2018 and seeking, *inter-alia*, in-principle approval of the capital cost and operation cost which may be incurred by the Petitioner for installing various emission control systems in order to meet the revised emission norms as prescribed in the Notification dated 7.12.2015 issued by Ministry of Environment, Forest and Climate Change. Learned counsel submitted that in terms of the order dated 3.6.2019, the Petitioner had approached the Central Electricity Authority (CEA) with feasibility report on emission control system to be installed at the Petitioner's plant. However, CEA in its letter dated 21.6.2019 informed the Petitioner to approach the concerned Electricity Regulatory Commission for further necessary action. Learned counsel for the Petitioner requested to issue notice to the Respondents.

2. Learned counsel for the Respondent, UPPCL accepted notice and submitted that in the present case CEA's recommendation on the technology to be used is not there and accordingly, the Petitioner may be directed to approach CEA. Learned counsel also submitted that the prayers sought by the Petitioner are pre-mature at this stage.

3. After hearing the learned counsel for the Petitioner and the Respondent, UPPCL, the Commission admitted the Petition and directed to issue notice to the Respondents.
4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their replies, by 5.2.2020, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 20.2.2020. The Commission directed that due date of filing replies and rejoinder should be strictly complied with.
5. The Commission observed that a mechanism needs to be devised for addressing the issues like identification of suitable technology for each plant for implementation of emission control systems and its impact on operational parameters of the plant. Accordingly, the Commission directed the Petitioner to again approach the CEA for approval of i) suitable technology to be used for its generating station; ii) Operational parameters of its generating station such as auxiliary consumption, O&M expenses and Station Heat Rate, etc., consequent to the implementation of ECS; iii) Norms of consumption of water, limestone and ammonia, etc., required for operation of its generating station after implementation of ECS; and iv) Any other detailed technical inputs.
6. The Commission directed the staff of the Commission to refer the matter to the Ministry of Power to direct CEA to furnish its recommendations.
7. The Petition shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

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