

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 111/MP/2021  
along with I.A. No.38 of 2021**

Subject : Petition under Section 79 of the Electricity Act, 2003 challenging the repeated revisions in energy charges claimed by NTPC Limited in relation to supply of power from the Farakka Super Thermal Power Station.

Petitioner : West Bengal State Electricity Distribution Company Limited (WBSEDCL)

Respondents : NTPC Limited

Date of hearing : **4.6.2021**

Coram : Shri P.K.Pujari, Chairperson  
Shri I.S.Jha, Member  
Shri Pravas Kumar Singh, Member

Parties present : Shri Vishrov Mukerjee, Advocate WBSEDCL  
Shri Rohit Venkat, Advocate, WBSEDCL  
Shri Ameya Vikram Mishra, Advocate, WBSEDCL  
Ms. Swapna Seshadri, Advocate, NTPC  
Shri Anand Ganesan, Advocate, NTPC  
Ms. Ritu Apurva, Advocate, NTPC

**Record of Proceedings**

Case was called out for virtual hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that the petition has been filed by the Petitioner, WBSEDCL challenging the belated revised invoices dated 6.12.2019, 6.11.2020, 6.1.2021, 5.2.2021 and 5.3.2021 raised by the Respondent, NTPC on account of multiple retrospective revision in the energy charges in respect of Farakka Super Thermal Power Station (in short 'the generating station') for the period from 2015-16 to 2018-19 amounting to Rs. 180.25 crore. He also submitted that the claims of the Respondent NTPC for the period prior to December 2016 and prior to November 2017 are barred by limitation. The learned counsel also submitted that in terms of the BPSA and PPA, these claims cannot be raised by the Respondent through supplementary bills as there has been no change in the Regional Energy Accounts. He added that the belated revision of tariff bills distorts the MOD (merit order dispatch) mechanism and results in more expensive power being scheduled. With regard to the Interlocutory Application (IA No.38/2021) filed by the Petitioner, the learned counsel pointed out that since the Respondent NTPC in its letter dated 4.5.2021 has stated that it would take coercive steps, including the invocation of Letter of Credit to realize the claimed amounts, the Commission may, after completion of pleadings, dispose of the matter at the earliest.

3. The learned counsel for the Respondent, NTPC clarified that the threat of coercive action by the respondent as brought out by the Petitioner is incorrect. She also pointed out that in terms of the PPA, 95% of the disputed amount is liable to be paid by the Petitioner. The learned counsel further submitted that in response to the Petitioner's letter dated 13.5.2021 offering to pay energy charge bills amounting to Rs.62.25 crore, in six equal monthly installments, without LPSC, the Respondent vide letter dated 18.5.2021 agreed to the same, with LPSC. She added that the Petitioner vide its letter dated 31.5.2021 offered to settle the matter by payment of energy charge bills raised by Respondent for Rs.103.725 crore (till November, 2018) along with LPSC, in six equal monthly installments and had also paid the first installment of Rs.17.29 crore, on 31.5.2021. The learned counsel for the Respondent submitted that since the parties have settled the matter by acting on the arrangement agreed upon, the petition may be disposed of accordingly.

4. The learned counsel for the Petitioner, on instructions, submitted that the arrangement agreed upon by the parties as aforesaid, is subject to the decision of the Commission in the present petition.

5. The learned counsel for the Respondent NTPC prayed that the respondent may be granted three weeks' time to file its detailed reply in the matter.

6. The Commission after hearing the parties admitted the petition. The Respondent NTPC is directed to file its reply by 29.6.2021, with advance copy to the Petitioner, who shall file its rejoinder, if any, by 12.7.2021. The parties shall ensure the completion of pleadings within the dates above mentioned and no extension of time shall be granted.

7. The Petition shall be listed for final hearing in due course for which separate notice will be issued to the parties.

**By order of the Commission**

**Sd/-**  
(B.Sreekumar)  
Joint Chief (Law)