

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 221/MP/2021

- Subject : Petition under Section 79 of the Electricity Act, 2003 read with Part 7 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 seeking clarification on the methodology of sharing of part load compensation as per Regulation 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fourth Amendment) Regulations, 2016 read with approved mechanism of compensation vide order dated 5th May, 2017 thereof and its sharing amongst beneficiaries for interstate generating stations such as Maithon Power Limited for which capacity has been tied up on Mega-watt basis.
- Date of Hearing : 14.12.2021
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Maithon Power Limited (MPL)
- Respondents : Tata Power Delhi Distribution Limited and 6 Ors.
- Parties Present : Shri Venkatesh, Advocate, MPL
Shri Ashutosh K. Srivastava, Advocate, MPL
Ms. Isnain Muzami, Advocate, MPL
Shri Abhishek Nangia, Advocate, MPL
Shri Pankaj Prakash, MPL
Shri Nadim Ahmad, ERLDC
Shri Debajyoti Majumder, ERLDC
Shri Shyam Kejriwal, ERPC
Shri Shishir Kumar Pradhan, ERPC
Shri Tibriwalla, WBSEDCL

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking clarification on the methodology of sharing of part load compensation amongst the beneficiaries as per Regulations 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fourth Amendment) Regulations, 2016 (in short, 'IEGC') and the compensation mechanism approved by the Commission in its order dated 5.5.2017 for the inter-State generating stations such as the Petitioner for which the capacity has been tied up on megawatt basis. Learned counsel for the Petitioner mainly submitted the following:

(a) The Petitioner owns and operates 1050 MW thermal power plant located in Dhanbad district in the State of Jharkhand (for short, 'the Project') and has contracted the entire installed capacity of the Project with various beneficiaries, namely, DVC, TPDDL, WBSEDCL and KSEB under long-term Power Purchase Agreements/ Power Sale Agreements.

(b) Allocation of power from the Project is based on fixed long-term access quantum in MW to the beneficiaries unlike other Central Sector Generating Stations ('CGSs') which are on percentage basis based on the allocation done by the Ministry of Power, Government of India.

(c) The Project of the Petitioner being inter-State generating station was included in the Reserve Regulation Ancillary Services and Pilot on Security Constrained Economic Despatch ('SCED') mechanism w.e.f. 12.6.2019. The SCED mechanism also provided for compensation to generating station for part load operation as certified by Regional Power Committee as per the provisions of IEGC read with paragraphs 6(i) and 6(ii) of the Appendix-II of order dated 5.5.2017.

(d) While the Eastern Regional Power Committee published the compensation statement in terms of IEGC for CGSs giving total compensation due to them on account of part load operation and its sharing among the beneficiaries, in case of the Petitioner, only the total compensation along with compensation due to the Petitioner relating to SCED have been provided and the compensation due to under-requisition of beneficiaries has not been provided on the ground that the Project capacity has been tied up on megawatt basis unlike CGSs wherein the capacity/ share is allocated on percentage basis by the Ministry of Power.

(e) In absence of such breakup in the compensation statement, the Petitioner is unable to recover such compensation from its beneficiaries causing financial hardship to the Petitioner.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) The Petitioner to implead WRPC as party to the Petition and file revised memo of parties immediately;

(b) Admit and issue notice to the Respondents including WRPC;

(c) The Petitioner to serve copy of the Petition on the Respondents including WRPC to file its reply, if any, 7.1.2022 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, within 21.1.2022;

(d) WRPC to include in its reply as to whether the instance as involved in the present case has been dealt with by it and if so, the treatment adopted by it in such case; and

(e) Parties to comply with the above directions within the specified timeline and no extension of time shall be granted.

4. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)