

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 368/GT/2019

- Subject : Petition Under Section 62 and 79 (1) (a) of the Electricity Act, 2003 read with Chapter-V of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 along with “CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020” for determination of project specific levelised tariff for 100 MW floating solar Photo Voltaic Plant at water reservoir of Ramagundam Super Thermal Power Station, Ramagundam, Telangana
- Petitioner : NTPC Limited
- Respondents : Telangana State Southern Power Distribution Company Limited (TSSPDCL) & 18 ors

Petition No. 622/GT/2020

- Subject : Petition Under Section 62 and 79 (1) (a) of the Electricity Act, 2003 read with Chapter-V of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 along with “CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020” for determination of project specific levelised tariff for 25 MW Floating Solar Photo Voltaic Plant at NTPC Simhadri in Andhra Pradesh.
- Petitioner : NTPC Limited
- Respondents : Power System Operation Corporation Limited & 13 ors
- Date of Hearing : **16.7.2021**
- Coram : Shri P.K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member
- Parties present : Ms. Swapna Seshadri, Advocate, NTPC
Ms. Ritu Apurva, Advocate, NTPC
Shri Harini Subramani, Advocate, NTPC
Shri Subhendu Mukherjee, POSOCO
Shri Alok Kumar Mishra, POSOCO
Ms. R. Ramalakshmi, TANGEDCO
Ms. Er. R. Alamelu, TANGEDCO



Record of Proceedings

These petitions were called out for virtual hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that pursuant to the directions of the Commission vide ROP of the hearing dated 25.11.2019 in Petition No. 368/GT/2019, the Petitioner has revised the petition and furnished all computations in accordance with the Central Electricity Regulatory Commission (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020 (in short 'the RE Tariff Regulations'). The learned counsel also submitted that the claim of the Petitioner for additional Auxiliary Power Consumption for 1.25% may be considered while determining the tariff of the project.

3. On a specific query by the Commission as to the provisions of the regulations under which the present application has been filed, the learned counsel for the Petitioner submitted that the petition has been filed under Regulations 3 and 4(e) of the RE Tariff Regulations.

4. The Commission observed that Regulation 3 of the RE Tariff Regulations provides as follows: *"These regulations shall apply to cases where tariff for a grid connected generating station or a unit thereof commissioned during the Control Period and based on renewable energy sources, is to be determined by the Commission under Section 62 read with Section 79 of the Act"*, and Section 62(1) of the Electricity Act, 2003 provides as follows: *"The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for (a) supply of electricity by a generating company to a distribution licensee: xxx"*.

5. On a query by the Commission as to whether the Petitioner has any arrangement for the supply of renewable power from the project to distribution licensees, keeping in view that the tariff claimed by the Petitioner in this petition is to be determined in terms of Section 62 read with Section 79(1)(a) of the Electricity Act, 2003, the learned counsel for the Petitioner submitted that the arrangement for supply of such power is based on the mechanism of allowing flexibility of generation and scheduling of thermal power stations (in short, 'the flexible mechanism'), notified by the Ministry of Power (MOP), GOI on 5.4.2018. She further submitted that under the 'flexible mechanism', the existing power from the thermal power plant is being replaced by renewable power and the beneficiaries have consented for the same.

6. On a further query by the Commission as to whether the supply of power by the Petitioner in terms of the 'flexible mechanism' forms part of the existing PPA or if any separate agreement has been entered into by the parties for the same, the learned counsel for the Petitioner answered in 'negative'.

7. On an observation by the Commission that the 25 MW Floating Solar Photo Voltaic Plant at NTPC Simhadri in Andhra Pradesh for whose project specific levelised tariff determination petition has been filed by the Petitioner does not seem to have any arrangement for supply of electricity to a distribution licensee as required under Section 61(1)(a) of the Act, the learned counsel for the Petitioner requested for grant of time to explore the possibility of an arrangement with the Respondent beneficiaries with regard to the replacement of the existing power through renewable source, based on the 'flexible mechanism'.



8. The learned counsel for the Petitioner submitted that the aforesaid submissions are also applicable in respect of Petition No. 622/GT/2020.

9. At the request of the learned counsel for the Petitioner, the Commission adjourned the hearing of both the petitions. These petitions shall be listed for hearing in due course for which separate notice shall be issued to the parties.

By order of the Commission

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

