

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. : 607/MP/2020

Subject : Petition under Section 79(1) of the Electricity Act, 2003 read with Article 13 of the Power Purchase Agreement dated 22.4.2007 executed between the Petitioner with the Procurers across five States, namely Maharashtra, Gujarat, Rajasthan, Haryana and Punjab, Clause 4.7 of the Competitive Bidding Guidelines and this Hon'ble Commission's Order dated 17.9.2018 in Petition No. 77/MP/2016

Date of Hearing : 22.10.2021

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

Petitioner : Coastal Gujarat Power Limited (CGPL)

Respondents : Gujarat Urja Vikas Nigam Ltd. (GUVNL) & Ors.

Parties present : Shri Anand Shrivastava, Advocate, CGPL
Shri Shivam Sinha, Advocate, CGPL
Shri Chetan Saxena, Advocate, CGPL
Shri Peyush Tandon, CGPL
Shri Girish Pednekar , CGPL
Ms. Swati Mahendale, CGPL
Shri Anup Jain, Advocate, MSEDCL
Shri Swapnil S. Katkar, MSEDCL

Record of Proceedings

The matter was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the instant petition is filed for 'in principle' approval of capital expenditure towards installation of NO_x control system to comply with the revised NO_x norms specified by MoEFCC vide notification dated 7.12.2015. The information sought in Record of Proceedings (RoP) dated 1.6.2021 regarding the design value of the boiler and the actual level of NO_x and other information has been filed vide affidavit dated 18.6.2021.

3. The learned counsel for the Petitioner submitted that the variation in the design value of the NO_x system as given by the OEM and furnished by the Petitioner in Petition No.77/MP/2016 was due to an inadvertent error and requested the



Commission to condone the same. The Petitioner has submitted, vide affidavit dated 31.7.2021, that the design guarantee of NO_x emission level is 365 ppm which is equivalent to 748.25 mg/Nm³.

4. In response to a query of the Commission, learned counsel for the Petitioner submitted that the details of the emission levels submitted to the State Pollution Control Board have already been filed in the instant petition.

5. Leaned counsel appearing on behalf of Maharashtra State Electricity Distribution Company Ltd., Respondent No. 2, sought time to file reply in the matter.

6. The Commission admitted the petition and directed to issue notice to the Respondents. The Commission further directed the Respondents to file their reply on affidavit by 15.11.2021 and the Petitioner to file rejoinder, if any, by 26.11.2021. The Commission further directed the parties to comply with the above directions within the specified timeline and observed that no further extension of time will be allowed.

7. The Commission further directed the Petitioner to clarify the following on affidavit dated by 10.11.2021 with a copy to the Respondents.

- a. The variation in design value of the NO_x system, as given by the OEM, furnished by the Petitioner in Petition No.77/MP/2016 and in the instant petition is owing to the units of measurement of NO_x emissions. The MoEFCC notified norms for NO_x (450 mg/Nm³) are corresponding to 6% oxygen but the values of NO_x furnished vide submission dated 22.6.2021 and 31.7.2021 by Petitioner does not specify the corresponding value of oxygen.
- b. Whether the variation in the NO_x emission level in 2019 and 2021 is due to operational/ technical issues.

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

By order of the Commission

sd/-
(V. Sreenivas)
Deputy Chief (Law)

