

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 66/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Regulation 29 of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2019 for approval of additional expenditure on account of installation of various Emission Control Systems at Nabinagar Thermal Power Station (4X250 MW) in compliance with the Ministry of Environment and Forests and Climate Change, Government of India notification dated 07.12.2015.

Date of Hearing : 1.6.2021

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

Petitioner : Bhartiya Rail Bijlee Company Ltd. (BRBCL)

Respondents : North Bihar Power Distribution Company Ltd. (NBPDC) & 2 Others

Parties present : Shri Venkatesh, Advocate, BRBCL
Shri Anant Singh, Advocate, BRBCL
Shri Abhishek Nangia, Advocate, BRBCL
Shri Deep Rao, Advocate, Indian Railways
Shri Uma Shankar Mohanty, BRBCL

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the representative of the Petitioner submitted that the instant petition is for approval of additional capital expenditure on account of installation of Emission Control Systems at Nabinagar Thermal Power Station (4X250 MW) in compliance with the Ministry of Environment and Forests and Climate Change, Government of India notification dated 7.12.2015. The Petitioner is a joint venture between NTPC and Indian Railways. The contract for installation of ECS (emission control system) is awarded to BHEL on 10.7.2019, i.e. in 2019-24 tariff period. However, the bidding process was initiated in the 2014-19 tariff period. The ECS is proposed to be implemented in all the four units and it is scheduled to be completed in October, 2023.



3. After hearing the learned counsel for the Petitioner, the Commission admitted the petition and directed to issue notice to the Respondents.

4. Learned counsel for Indian Railways, present during the hearing, accepted the notice on behalf of Indian Railways.

5. The Commission directed the Petitioner to provide the following information on affidavit, by 21.6.2021, with a copy to the Respondents and the Respondents to file their reply by 12.7.2021 and the Petitioner to file its rejoinder, if any, by 23.7.2021.

(a) Certificate from the competent authority to the effect that the ECS technology selected is as per the recommendations made by CEA and is the best suited cost-effective technology in terms of CEA's advisory dated 7.2.2020, that would meet the ECS norms as specified in the MoEFCC Notification.

(b) So_x and No_x emission levels during the past three years as submitted to the Pollution Control Board.

(c) Copy of the decision by Petitioner Company with resolution and date to issue NIT to procure FGD installation. Copy of NIT and the bid opening and closing dates.

(d) Copy of the recommendations of the Bid Evaluation Committee, if any and approval of the competent authority to award the work.

(e) Certificate from the competent authority that bidding and award of the work has been carried out in a fair and transparent manner as per the applicable GOI/ Petitioner company guidelines.

(f) A note on the process of bidding for award of different packages of ECS, with names of the bidders who participated in the bid and name of the successful bidder, with a copy of the Letter of Award/Letter of Intent issued to the successful bidder.

(g) Station-wise/unit-wise break-up of the capital cost claimed for FGD as per the following table:

Unit No	Capacity (MW)	CEA's indicative hard cost (₹ lakh per MW)	Hard cost claimed (₹ lakh per MW)	Total IDC claimed (₹ lakh)	Total IEDC claimed (₹ lakh)	Total FERV claimed (₹ lakh)	Total taxes & duties claimed (₹ lakh)	Total of Other costs claimed (₹ lakh)	Total cost claimed (₹ lakh)
1.									
2.									
3.									
4.									
5.									
6.									



(h) Reasons for deviation from CEA's indicative hard cost, if any.

(i) If any contract for NOx reduction at the generating station has also been awarded, the cost of the same is to be segregated and the capital cost for FGD is to be provided separately and distinctly.

(j) Present status of implementation of FGD.

6. The Commission further directed the parties to comply with the directions with the timeline specified and observed that 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.

By order of the Commission

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(V. Sreenivas)
Deputy Chief (Law)

