

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.190/MP/2021

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

Date of Order: 24th September, 2021

In the matter of

Petition under Regulation 8 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State transmission and related matters) Regulations, 2009.

**And
In the matter of**

Seeking permission to allow interchange or power for testing including full load testing and trial lung operation of Unit-III of Nabinagar TPS Stage-I (3X660 MW), beyond the period of six months from the date of its first synchronization.

**And
In the matter of**

Nabinagar Power Generating Company Limited,
NTPC Bhawan, Core-7, Scope Complex,
7 Institutional Area, Lodhi Road,
New Delhi-110 003

...Petitioner

Vs.

1. Power System Operation Corporation Limited,
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi-110 016

2. Eastern Southern Regional Power Committee,
14, Golf Club Road,
Tollygunge, Kolkata, West Bengal-700 033

3. Eastern Regional Power Committee,
14, Golf Club Road,
Tollygunge, Kolkata, West Bengal-700 033

...Respondents

ORDER

This Petition has been filed by the Petitioner, Nabinagar Power Generating Company Limited, seeking permission of the Commission for interchange of power including drawl of start-up power into the grid upto 27.9.2022 or till declaration of commercial operation of Unit-III of 1980 MW (3X660 MW) Thermal Power Plant (hereinafter referred to as 'the generating station') at New Nabinagar district in the State of Bihar in terms of clause (7) of Regulation 8 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State transmission and related matters) Regulations, 2009 (hereinafter referred to as 'the Connectivity Regulations').

2. The Petitioner has submitted that the generating station consists of three units (3x660 MW). Unit-I and Unit-II of the generating station have achieved commercial operation on 6.9.2019 and 23.7.2021 respectively. Unit-III of the generating station was first synchronized with the grid on 28.3.2021 and in terms of Regulation 8(7) of the Connectivity Regulations, it requires permission from the Commission for interchange of power with the grid beyond 27.9.2021.

3. The Petitioner has submitted that erection and commissioning activities of Unit-III of the generating station are in advance stage of completion. However, the Petitioner has submitted that Unit-III of the generating station cannot be declared under commercial operation by 27.9.2021 due to the following reasons:

Delay due to Covid-19 pandemic and its second wave

(a) As a measure to prevent the spread of Covid-19 pandemic in the country, Government of India put the entire country under lock-down from 25.3.2020 to 31.5.2020 which affected all balance work of erection, commissioning and supplies of the generating station. During the said period, the workers/labours

left the site and there was a complete demobilization of workers/labours bringing the erection activities to the standstill.

(b) The second wave of Covid 19 pandemic started from March 2021, which affected the employees and family members of the generating station. All efforts were made to re-mobilize resources and whatever limited resources were available, they were diverted to achieve commercial operation of Unit-II of the generating station. Therefore, the construction activities and commissioning activities of Stage-III of the generating station were adversely affected.

Agencies under National Company Law Tribunal (NCLT)

(c) *M/s Era Infra Engineering Limited* (in short, 'M/s Era) from May 2018 (executing civil works): Civil works got affected due to NCLT proceedings against M/s ERA. All efforts are being made to complete the balance works through M/s ERA and by part off-loading at the risk and cost of M/s ERA.

(d) *M/s DCIPS* from July 2018 (executing handling works): Balance works of ash handling system of Unit-III got severely affected and delayed due to NCLT proceedings against DCIPS. During liquidation process, liquidator has issued Letter of Intent on 15.2.2021 to M/s Kanveer Singh Yadav Enterprise Private Limited, to purchase the corporate debtor (DCIPS) as a going concern.

(e) *M/s FAN AS* from June 2020 (executing cooling tower works): On 13.6.2020, M/s FAS AS was declared insolvent by Municipal Court of Prague. Therefore, work progress of cooling tower of Unit-III got adversely affected.

4. The Petitioner has submitted that due to reasons beyond its control, it is not in a position to declare commercial operation of Unit-III of the generating station. The Petitioner has submitted that it is seeking extension of time for bona-fide reasons for completion of balance works and not for the purpose of trading in infirm power or otherwise to derive any undue advantage. The Petitioner has requested to grant permission for injection of infirm power into the grid for testing including full load testing and trial run operation of Unit-III of the generating station beyond 27.9.2021 up to 27.9.2022 or the date of its commercial operation, whichever is earlier.

5. The Petition is admitted by circulation.

6. The fourth and fifth provisos to Regulation 8(7) of the Connectivity Regulations provides as under:

“Provided that the Commission may in exceptional circumstances, allow extension of the period for inter-change of power beyond the period as prescribed in this clause, on an application made by the generating station at least two months in advance of completion of the prescribed period:

Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view.”

7. Taking into consideration the difficulties expressed by the Petitioner as mentioned in paragraph 3 and paragraph 4 above and treating it as exceptional circumstances in terms of the proviso to Regulation 8(7) of the Connectivity Regulations as quoted in paragraph 6 above, we allow injection of infirm power into the grid for commissioning tests including full load test of Unit-III up to 27.9.2022 or actual date of commercial operation, whichever is earlier. We expect the Petitioner to make all efforts to ensure the commercial operation of the Unit by this date. It is, however, clarified that extension of time granted as above shall not automatically entitle the Petitioner for IEDC/IDC for the delay in declaration of COD from the scheduled COD which will be decided in accordance with the relevant provisions of the Tariff Regulations. Needless to say, the concerned RLDC while granting such permission shall keep the grid security in view.

8. With the above, the Petition No. 190/MP/2021 is disposed of. Let an extract copy of the order be sent to the concerned RLDC for necessary action.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S.Jha)
Member**

**sd/-
(P.K. Pujari)
Chairperson**