

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 38/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: 4th March, 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 as amended.

**And
In the matter of**

Seeking Commission`s permission to allow interchange of power for testing including full load testing of trial run operation of Unit-II of Nabinagar STPS Stage-I (3X660 MW), beyond 11.2.2021.

**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

1. Southern Regional Power Committee
29, Race Course Cross Road,
Bangalore- 560 009.

...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 31.5.2021 or till declaration of commercial operation of Unit-II 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-II of the generating station was first synchronized with the grid on 12.2.2020. The Commission in its order dated 11.8.2020 in Petition No. 600/MP/2020 had allowed injection of infirm power of Unit-II of the generating station up to 11.2.2021 or actual date of commercial operation, whichever is earlier. However, Unit-II of the generating station could not be declared under commercial operation due to the following reasons as per the Petitioner:

(a) Delay due to Covid-19 pandemic: 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 complete demobilization of workers/ labours bringing the erection activities to the standstill.

(b) Subsequently, Government of India has lifted lock-down in phased manner w.e.f. 1.6.2020. Normalization of erection activity of the unit is still not fully achieved due to fear of spread of the pandemic despite adequate care and safety measures. Therefore, normal work progress required to meet the full-fledged construction and commissioning activities are yet to be undertaken.

(c) Subsequently, Government of Bihar announced lock-down in the State which again retarded the pace of erection and commissioning work which was slowly picking up. Due to lockdown, manpower/ labours and supplies are getting affected despite all efforts made for work to progress.

(d) Delay due to Make-Up Water (MUW) and Corridor land: In MUW Switchgear and Corridor area, approximately 18.25 acre land is dependent on translocation of trees as per Forest Administration Guidelines. Subsequent to clearance from the Department of Environment, Forest & Climate Change, Government of Bihar, all efforts are being made to complete MUW pipe line and MUW Switchgear. However, Covid-19 pandemic is retarding the pace of erection work due to demobilization of workers/ labours.

(e) Delay due to Railway siding land: Railway siding work delayed the readiness of coal transportation system owing to delay in availability of land for Railway siding/ coal transportation for rake movement as per envisaged route from Barkisaliya Railway Station. As on date, physical possession of Approximately 34 acre of land towards Barkisaliya Railway Station end is not available and requisite efforts are being made to get the same at the earliest.

3. The Petitioner has submitted that due to reasons beyond its control, it could not declare commercial operation 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 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-II of the generating station beyond 11.2.2021 upto 31.5.2021 or the date of its commercial operation, whichever is earlier.

4. The Commission was not able to take up the matter in view of the decision of the Hon`ble Supreme Court dated 28.8.2020 in Contempt Petition (C) No. 429/2020 in CA No. 14697 of 2015. Hon`ble Supreme Court vide its order dated 20.1.2021 vacated the interdicts imposed vide order dated 28.8.2020 and subsequent orders thereafter. Taking into consideration the difficulties expressed by the Petitioner as mentioned in paragraph 2 above, the Petitioner was permitted vide letter dated 10.2.2021 of the Secretary of the Commission for injection of infirm power into the

grid for commissioning tests including full load test of Unit-II up to 31.5.2021 in terms of Regulation 8(7) of the Connectivity Regulations.

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. In view of the facts and circumstances stated in paragraphs 3 and 4 above, the Commission finds it to be exceptional circumstances within the meaning of Regulation 8(7) of the Connectivity Regulations. Accordingly, in light of the provisions of Regulation 8(7) of the Connectivity Regulations, the Commission approves the permission accorded to the Petitioner vide letter of the Secretary of the Commission dated 10.2.2021 for injection of infirm power into the grid for commissioning tests including full load test of Unit-II of the generating station for the period from 11.2.2021 to 31.5.2021 or actual date of commercial operation, whichever is earlier.

8. It is, however, clarified that the extension of time granted to the Petitioner in terms of the above shall not automatically entitle the Petitioner for IEDC/IDC for delay in declaration of COD from the Scheduled COD, which will be decided in accordance with the relevant provisions of the Tariff Regulations.

9. With the above, the Petition No. 38/MP/2021 is disposed of.

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

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

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

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