

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 623/MP/2020**

**Coram:**

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

**Date of order: 2<sup>nd</sup> March, 2021**

**In the matter of**

Anticipated delay in the declaration of Commercial Operation Date of Unit II of the 2x500 MW NLCIL- Neyveli New Thermal Power Project (NNTPP).

**And**

**In the matter of**

Seeking Commission's permission to maintain status-quo for drawal of start-up power and injection of infirm power under UI mechanism till declaration of Commercial Operation Date of Unit II or 31.3.2021, whichever is earlier.

**And**

**In the matter of**

NLC India Limited  
No. 8, 1<sup>st</sup> Floor, Mayor Sathyamurthy Road,  
FSD, Egmore Complex of FCI, Chetpet,  
Chennai-600 031.

**.....Petitioner**

**Vs**

1. The Member Secretary,  
Southern Regional Power Committee,  
29, Race Course Cross Road, Bangalore – 560 009
2. Executive Director (SEF & CE)  
Power Grid Corporation of India Limited  
'Saudamini', Plot No.-2, Sector-29,  
Nr. IFFCO Chowk, Gurgaon-122 001, Haryana.
3. The General Manager (Commercial)  
Power Grid Corporation of India Limited  
Southern Region Transmission System II,  
Nr. RTO Driving Test Track,  
Singnayakanahalli, Yelahanka-Dodaballapur Road,  
Bangalore-560 064.



4. The General Manager  
POSOCO, Southern Regional Load Despatch Centre,  
29, Race Course Cross Road, Bangalore – 560 009.
5. The Chief Engineer/Planning  
Tamil Nadu Generation & Distribution Corporation Limited  
6<sup>th</sup> Floor, Eastern Wing, 144, Anna Salai,  
Chennai – 600 002.
6. The Chief Engineer/Corporate Planning TRAC  
Kerala State Electricity Board,  
8<sup>th</sup> Floor, Vidyuthi Bhavanam,  
Pattom, Thiruvananthapuram-695 004.
7. The Director (Commercial)  
State Power Purchase Co-ordination Committee,  
Power Company of Karnataka Limited  
Kaveri Bhavan, Bangalore- 560 009.
8. The Superintendent Engineer  
Puducherry Electricity Department,  
137, N.S.C Bose Road, Puducherry- 605 001.
9. The Chief Engineer/Commercial  
Andhra Pradesh Power Co-ordination Committee  
Vidyuth Soudha, 48-12-4/1, Elluru Road,  
Gunadala, Vijaywada, Andhra Pradesh – 520 008.
10. The Chief Engineer/Commercial  
Telangana State Power Co-ordination Committee  
Vidyuth Soudha, Khairatabad, Hyderabad- 500 082.

.....**Respondents**

### **ORDER**

This Petition has been filed by the Petitioner, NLC India Limited, seeking permission of the Commission for drawal of start-up power and injection of infirm power into the grid up to 31.3.2021 or till declaration of commercial operation, whichever is earlier, in respect of Unit-II of 1000 MW (2x500 MW) lignite based Neyveli New Thermal Power Project (hereinafter referred to as 'the generating station' or 'the Project') at Neyveli District in the State of Tamil Nadu 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') as amended from time to time.

2. The Petitioner has submitted that the generating station consists of two lignite fired units of 500 MW each (2x500 MW). Unit-I of the generating station has achieved Commercial Operation Date (COD) on 28.12.2019.

3. The Commission in its order dated 17.6.2020 in Petition No. 527/MP/2020 had allowed injection of infirm power of Unit-II of the generation station till 30.9.2020 or date of commissioning of the generating station, whichever is earlier. However, Unit-II of the generating station could not be declared under commercial operation due to the following reasons, as stated by the Petitioner:

*“(a) COVID-19 pandemic has caused entire India to be under lockdown which was extended for containment zone till 31.8.2020. (b) The site activities of Unit-II have been hampered severely due to the movement of migrant workers from the site to their native places; and*

*(b) Meanwhile, the balance works of Unit-II is being completed by available local manpower. Since district Cuddalore has been identified as containment zone under COVID-19 pandemic, mobilization of works, materials and machinery will require sufficient time.”*

4. Since 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, the Petitioner was permitted to draw start-up power vide letter of the Secretary of the Commission dated 30.9.2020 and inject infirm power into the grid to facilitate commissioning test including full load test of Unit-II of the generating station for a period of one month (i.e. from 1.10.2020 to 31.10.2020).



5. Since the Unit-II of the generating station could not achieve COD even by 31.10.2020, the Petitioner approached the Appellate Tribunal for Electricity (APTEL) under Section 121 of the Electricity Act, 2003 to seek relief due to non-availability of audience or in absence of opportunity to seek relief from the Commission. APTEL vide its order dated 24.12.2020 in Original Petition No. 19 of 2020 allowed the Petitioner to continue to draw start-up power and to inject infirm power into the grid for a period of one month or till declaration of COD of Unit-II of the generating station, whichever is earlier.

6. The Petitioner vide its letter dated 11.2.2021 has informed that it has declared commercial operation of Unit-II of the generating station on 3.2.2021. In support thereof, the Petitioner has submitted the copies of letters of Southern Regional Power Committee and Power System Operation and Corporation Limited.

7. The Petition is admitted by circulation.

8. 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.”*

9. The Commission observes that the Petitioner has already declared the COD of Unit-II of the generating station and no further order is required to be issued on the subject matter.



10. Therefore, the Commission approves the permission granted to the Petitioner vide letter of the Secretary of the Commission dated 30.9.2020 to draw start-up power and inject infirm power into the grid for Unit-II of the generating station for a period of one month from 1.10.2020 to 31.10.2020. Further, the Commission also approves draw of start-up power and inject of infirm power into the grid for commissioning tests including full load test of Unit-II of the generating station during 24.01.2021 (the date up to which APTEL, vide its order dated 24.12.2020 in Original Petition No. 19 of 2020, allowed such drawal and injection) to 03.02.2021, the date of commercial operation of the Unit II.

11. 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.

12. With the above, the Petition No.623/MP/2020 is disposed of.

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

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

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

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

