

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 221/MP/2021

Subject : Petition under Section 79 of the Electricity Act, 2003 read with Part 7 of Central Electricity Regulatory Commission (Indian Electricity Grid Code) 2010 seeking clarification on the methodology of sharing of part load compensation as per Regulation 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fourth Amendment) Regulations, 2016 read with approved mechanism of compensation vide Order dated 5th May 2017 thereof and its sharing amongst beneficiaries for interstate generating stations such as Maithon Power Limited for which capacity has been tied up on Mega-watt basis.

Date of Hearing : 29.7.2022

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

Petitioner : Maithon Power Limited (MPL)

Respondents : Tata Power Delhi Distribution Limited (TPDDL) and 7 Ors.

Parties Present : Shri Venkatesh, Advocate, MPL
Shri Ashutosh Kumar Srivastava, Advocate, MPL
Shri Abhishek Nangia, Advocate, MPL
Ms. Isnain Muzamil, Advocate, MPL
Shri Pankaj Prakash, MPL
Shri Deepak Sharma, WRPC
Shri Debajyoti Majumder, ERLDC
Shri Ranjit Pal, ERLDC
Shri Shyam Kejriwal, ERPC
Shri Shishir Kumar Pradhan, ERPC

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking clarification on the methodology of sharing of part load compensation amongst the beneficiaries as per Regulation 6.3B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) (Fourth Amendment) Regulations, 2016 and the compensation mechanism approved by the Commission in its order dated 5.5.2017 for the inter-State generating stations such as the Petitioner for which the capacity has been tied up on megawatt basis. Learned counsel further submitted that the Commission vide order dated 8.1.2022 in Petition No. 408/GT/2020 filed by the Petitioner seeking true-up of tariff for the period 2014-19 and determination of tariff for the periods 2019-24, has, *inter alia*, revised the normative Station Heat Rate of the Petitioner's Plant from the periods

2019-24 to 2326.03 kCal/kWh from 2375 kCal/kWh and as result the amount of compensation payable to the Petitioner for financial year 2019-20 and financial year 2020-21 which were based upon the earlier prevalent SHR of 2375 kCal/kWh, has now increased to approximately Rs. 68.46 crore (as against the earlier Rs.4.23 crore) and the Petitioner has accordingly filed IA bearing Diary No. 309 of 2022 to place on record the documents regarding revision in part load compensation on account of change in normative heat rate for period the financial year 2019-20 and financial year 2020-21 and further seeking direction to ERPC to revise the compensation statement and to issue its allocation statement for the above period. Learned counsel submitted that the said IA is required to be allowed and is required to taken on record prior to proceeding with the present case. The learned counsel added that WRPC in its reply has proposed a methodology for sharing of part load compensation among the beneficiaries which is agreeable to the Petitioner.

3. The representative of ERPC submitted that ERPC has already filed its response in the matter and further pointed out that with regard to the compensation to the Petitioner, no consensus could arrive among the beneficiaries.

4. In response to the observation of the Commission that in view of the subsequent developments, the Petitioner ought to file a fresh Petition rather than filing of IA, learned counsel for the Petitioner sought liberty to file a separate Petition and requested to adjust the filing fees paid in the IA. The Commission granted liberty to the Petitioner to file separate Petition seeking revised compensation for the financial year 2019-20 and financial year 2020-21. Filing fees paid in the IA shall be adjusted against the Petition to be filed in future. Accordingly, IA was disposed of.

5. Considering the submissions of the learned counsel for the Petitioner and the representative of the Respondent, ERPC, the Commission reserved the matter for order.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**