

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.245/MP/2021

Subject : Petition for approval of input price of coal supplied from Dulanga mine for the period from date of commercial operation i.e. 1.10.2020 to 31.3.2024.

Petitioner : NTPC Ltd

Respondents : Bihar State Power Holding Company Ltd & 6 ors

Date of Hearing : **21.3.2022**

Coram : Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Samir Malik, Advocate, NTPC
Shri Sahil Sood, Advocate, NTPC
Ms. Nikita Choukse, Advocate, NTPC

Record of Proceedings

Case was called out for virtual hearing.

2. During the hearing 'on admission', the learned counsel for the Petitioner referred to various clauses of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) (Second Amendment) Regulations, 2021 and made detailed oral submissions in support of the prayers made in the petition. He also prayed that the Petitioner may be permitted to provisionally bill the input price of coal as claimed in this petition, till final determination of the same.

3. The Commission 'admitted' the petition and directed to issue notice to the Respondents.

4. The Petitioner is directed to file the following additional information by **4.5.2022**, after serving copy to the Respondents:

- (a) *Details regarding the selection of Mine Developer cum Operator (MDO) i.e. through nomination basis or open competitive bidding. In case through nomination basis, all supporting documents exempting the Petitioner from competitive bidding and in case of competitive bidding, the bidding documents;*
- (b) *The conditions considered for declaration of COD of Dulanga mine and date of achieving 25 % of peak rated capacity of mine (1.75 Million Ton);*
- (c) *Copy of complete agreement signed with MDO and detailed Letter of Award (LoA) issued to MDO;*



- (d) *PERT / CPM chart approved by Govt. of India for various milestones associated with mine development and the actual date of achievements thereof; and detailed justification along with supporting documents for deviations, if any;*
- (e) *The communication made with beneficiaries in respect of various mile stones of the mine such as selection of MDO, declaration of date of coal production, declaration of COD of mine etc;*
- (f) *Copy of Mining Plan approved by Ministry of Coal, Govt. of India;*
- (g) *Detailed break up annual charges other than MDO;*
- (h) *Justification for claiming O & M charges, interest rate, etc, for complete 2020-21 (12 months), while the expenses prior to COD were already considered under IEDC and the mine was operational for 6 months during 2020-21;*
- (i) *The reasons for considering the annual charges paid to agency other than MDO in computation of various components of IWC viz consumption of stores & spares, one-month O & M charge etc;*
- (j) *Justification for additional capitalization claimed on account of land, in addition to the already acquired 762.42 Ha, including coal bearing area of 567.19 Ha;*
- (k) *The audited and certificated balance sheet of Dulanga mine from its inception to COD;*
- (l) *Justification for forest diversion charges;*
- (m) *Month wise quantity of coal produced from date of production of coal to COD and the input cost, GCV, coal supplied etc, thereof (excel sheet);*
- (n) *The quantity and GCV received and landed cost of primary fuel of Darlipali STPS;*
- (o) *As the mine is being develop in MDO mode, the justification for mine development charges claimed under additional capitalization along with break up;*
- (p) *The Petitioner shall furnish the basis for envisaged O & M expenses for 2020-21 to 2023-24, particularly, as the mine is being operated through MDO;*
- (q) *Capital cost claimed in the tariff forms duly supported by the Auditor Certificate.*
- (r) *Break up of IndAS adjustment (with reasons) of Rs.9249.32 claimed in Form E.*
- (s) *Copy of agreement entered into with Mine developer and operator.*
- (t) *Break-up of actual O&M expenses and annual charges of agencies other than MDO during 2020-21 as claimed in the tariff form duly supported by the Auditor Certificate.*
- (u) *Details of the actual coal production, OB removal and stripping ratio during the years 2019-20 and 2020-21.*
- (v) *Clarification for difference of actual cash expenditure claimed in Form 14 A (Notional IDC) vis-à-vis Form M.*
- (w) *Soft copy of IDC, FC, FERV and notional IDC calculations with links.*



(x) *Interest rates of actual loans duly supported by the Auditor Certificate.*

(y) *Cost Audit Report for the year 2020-21 in sealed cover.*

(z) *Relevant provisions of the tariff Regulations under which notional IDC is claimed.*

(z1) *Details of internal procedure adopted for declaring the COD.*

5. The Respondents shall file their replies on or before **17.5.2022**, after serving copy to the Petitioner, who may file its rejoinder, if any, by **25.5.2022**.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

Sd/-

(B. Sreekumar)
Joint Chief (Law)

