

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 4/MP/2022

Subject : Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the 2019-20 & 2020-21 in respect of Chamera-III Power Station.

Petitioner : NHPC Limited

Respondents : PSPCL & 12 ors

Petition No. 54/MP/2022

Subject : Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the 2019-20 & 2020-21 in respect of Kishanganga Power Station.

Petitioner : NHPC Limited

Respondents : Power Development Department & 2 Ors.

Petition No. 63/MP/2022

Subject : Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during 2020-21 in respect of Rangit Power station.

Petitioner : NHPC Limited

Respondents : WBSEDCL & 5 ors

Petition No. 66/MP/2022

Subject : Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the 2019-20 & 2020-21 in respect of Parbati-III Power Station.

Petitioner : NHPC Limited
Respondents : PSPCL & 12 ors

Petition No. 70/MP/2022

Subject : Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during 2020-21 in respect of Nimoo Bazgo Power Station.

Petitioner : NHPC Limited
Respondents : Power Development Department, J&K

Date of Hearing : **30.6.2022**

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

Parties present : Shri Rajiv Shankar Dvivedi, Advocate, NHPC
Shri Ajay Shrivastava, NHPC
Shri S.K. Meena, NHPC
Shri Mohit Mudgal, Advocate, BYPL
Shri Sachin Dubey, Advocate, BYPL/BRPL
Shri Anand K. Ganesan, Advocate, PSPCL
Shri Amal Nair, Advocate, PSPCL
Shri V. Srinivas, CTUIL
Shri Ajay Upadhyay, CTUIL
Shri Yogeshwar, CTUIL

Record of Proceedings

The Petitions were clubbed and called out for virtual hearing on 'admission'.

2. During the hearing, the learned counsel for the Petitioner the present application has been filed under Regulation 44(6) of the 2019 Tariff Regulations for recovery of shortfall in energy charges due to shortfall in energy generation. He also submitted that as per Regulation 44(7) of the 2019 Tariff Regulations, the shortfall in energy charges for 2019-20 and 2020-21 is required to be recovered in six equal monthly instalments, after issue of order by Commission. The learned counsel further submitted that the reasons for shortfall in energy generation, as indicated in the petition, were beyond the control of the Petitioner, and therefore, the energy charges under-recovered may be allowed to be recovered. Accordingly, the learned counsel submitted that these petitions may be admitted and relief prayed for may be granted.

3. The learned counsel for the Respondent PSPCL (in Petition No. 4/MP/2022 & Petition No. 66/MP/2022) pointed out that the revenue earned by the Petitioner through DSM has not been adjusted by the Petitioner. He however submitted that the Respondent may be granted time to file its reply in these petitions.

4. The learned counsel for the Respondent BRPL and Respondent BYPL (in Petition No.4/MP/2022) sought time to file their replies in the matter.

5. The Commission 'admitted' the petitions and directed for issuance of notice in these petitions. The Commission also directed the Petitioner to file following additional information separately for each petition, by **21.7.2022**, after serving copy to the Respondents:

- (a) The actual inflow data to be certified by CWC;
- (b) Rainfall data reported by IMD for the district in which plant is located and other adjoining districts to correlate low inflows;
- (c) Planned and forced outage data (unit-wise and month-wise) certified by CEA/RLDC and its correlation with generation data viz-a-viz available average inflows during the period of such outages for the year of shortfall.
- (d) Design energy calculation (in MS Excel) as approved by CEA with proper linkage;
- (e) Methodology for calculating daily maximum possible generation as claimed in the petitions (in MS Excel);
- (f) Daily generation report for the days for which energy shortfall has been claimed due to planned/forced outages, reservoir flushing, high trash, plant shutdown due to strike and transmission constraints, etc. correlating with generation loss as claimed in the petition.
- (g) Day-wise details of scheduled energy, actual energy injected in the grid and energy accounted for in DSM along with the revenue earned from DSM for such energy.
- (h) Reason for the difference between saleable ex-bus and saleable schedule;
- (i) Details of impact of due silt related issues considered at designing/ approval stage of the plant;
- (j) Clarification as to whether CWC/CEA was approached for changes in mandatory discharges;
- (k) Difference between excess generation beyond full capacity and generation beyond design energy calculation;
- (l) Any other relevant information/document to justify the claims made in the petitions.

6. The Respondents shall file their replies on or before **10.8.2022**, after serving copy on the Petitioner, who shall file its rejoinder, if any, by **22.8.2022**. Pleadings shall be completed by the parties, within the due dates mentioned and no extension of time shall be granted for any reason.

7. These Petitions 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)