

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 429/MP/2019

Coram:

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

Date of order: 30.09.2022

In the matter of:

Petition under Section 79 of the Electricity Act, 2003 read with Regulation 29 of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2019 for approval of additional expenditure on account of installation of various emission control systems at NLCIL Thermal Power Station-II (Stage I-3 X 210 MW & Stage II-4 X 210 MW) and Thermal Power Station-I Expansion (2x210 MW) in compliance with the Ministry of Environment and Forests and Climate Change, Government of India notification dated 7.12.2015.

And in the matter of:

NLC India Limited,
First Floor, No. 8, Mayor Sathyamurthy Road,
FSD, Egmore Complex of Food Corporation of India,
Chetpet, Chennai-600031.

.....Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maaligai, 144, Anna Salai,
Chennai-600002.
2. APTRANSCO,
Vidyut Soudha,
Gunadala, Eluru Road,
Vijayawada, Andhra Pradesh-520004.
3. Southern Power Distribution Company of A. P. Limited (APSPDCL),
D. N. 19-13-65/A, Srinivasapuram, Tiruchanoor Road,
Tirupathi (AP)-517501.
4. Eastern Power Distribution Company of A.P. Limited (APEPDCL),
P&T Colony, Seetammadhara,
Vishakapatnam (AP)-503013.
5. TSTRANSCO,
Vidyut Soudha,



Khairatabad, Hyderabad-500082.

6. Northern Power Distribution Company of Telangana Limited (TS NPDCL),
H. No. 1-1-504, Opp. NIT petrol Pump,
Chaityanayapuri colony, Hanmkonda,
Warangal (Telangana)-506004.
7. Southern Power Distribution Company of Telangana Limited (TS SPDCL),
2nd Floor, H. No.6-1-50, Mint Compound,
Hyderabad-500063.
8. Power Company of Karnataka Limited,
KPTCL Complex, Kaveri Bhavan,
Bangalore-560009.
9. Bangalore Electricity Supply Company Limited (BESCOM),
Krishna Rajendra Circle,
Bangalore-560001.
10. Mangalore Electricity Supply Company Limited,
Corporate Office, MESCOM Bhavana, Bejai, Kavour Cross Road,
Mangalore-575004.
11. Chamundeshwari Electricity Supply Company Limited (CESC),
Corporate Office No CA 29,
Vijayanagar 2nd Stage
Hinakal, Mysore -570017.
12. Gulbarga Electricity Supply Company Limited (GESCOM),
Station Main road, Gulbarga, Gulbarga -585102
Karnataka.
13. Hubli Electricity Supply Company Limited (HESCOM),
Corporate office:P. B. Road, Navanagar,
Hubli-580025.
14. Kerala State Electricity Board Limited,
Vaidyuthi Bhavanam,
Pattom, Thiruvananthapuram-695004.
15. Puducherry Electricity Department,
137, NSC Bose Salai, Puducherry-605001.

...Respondent(s)



For Petitioner : Ms. Anushree Bardhan, Advocate, NLCIL
Ms. Tanya Sareen, Advocate, NLCIL
Shri Anukirat Singh Baweja, Advocate, NLCIL
Shri Aneesh Bajaj, Advocate NLCIL
Ms. Surbhi Kapoor, Advocate, NLCIL
Ms. Shrishti Khindaria, Advocate, NLCLIL

For Respondents : Shri S. Vallinamagam, Advocate, TANGEDCO

ORDER

The Petitioner, NLC India Limited (NLCIL), has filed the instant petition under Section 79 of the Electricity Act, 2003 read with Regulation 29 of the Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2019 for approval of Additional Capital Expenditure on account of installation of various Emission Control Systems at NLCIL Thermal Power Station-II (Stage-I - 3 X 210 MW and Stage-II - 4 X 210 MW) and Thermal Power Station-I Expansion (2x210 MW) in compliance with the Environment (Protection) Amendment Rules, 2015 dated 7.12.2015 notified by the Ministry of Environment, Forests and Climate Change, Government of India (hereinafter referred to as "MoEFCC").

2. The Petitioner has made the following prayers in this Petition:

- "1) Grant approval for under taking implementation of FGD along with borosilicate lining of existing Stacks of Stage I units (3 X 210 MW) & Stage II units (4X210 MW) of TPS II and 2X210 MW units of TPS I Expansion mentioned above in order to meet Revised Emission Standards.*
- ii) Grant liberty to approach Hon'ble Commission for approval of implementation of Revised Emission Schemes on account of De NO_x, mercury, Water consumption, Particulate Matter, if required.*
- iii) Allow additional APC, additional O&M Expenses, Cost of Reagents etc as claimed in Para No.s 15, 16 & 17 as per Regulation-76 i.e. "Power to relax" of the Tariff Regulations 2019.*
- iv) Allow deemed availability of the station/unit on account of shutdown for the implementation of FGD system as per Regulation-76 i.e. "Power to relax" of the Tariff Regulations 2019.*



v) Pass such orders as deemed fit and necessary in the facts and circumstances of the present case.”

3. The Petitioner has proposed implementation of Wet Lime Based Flue Gas Desulphurisation (FGD) for SO₂ control and Borosilicate Lining of Existing Chimneys at its Thermal Power Station II (Stage I-3 X 210 MW & Stage II-4 X 210 MW) & Thermal Power Station-I Expansion (2x210 MW) (“generating stations”) located in Neyveli in the state of Tamil Nadu to comply with the revised emission standards issued by MoEFCC.

4. The instant petition was filed by the Petitioner on 28.10.2019. The Petition was listed for hearing on 18.12.2019 and the Commission after hearing the learned counsel for the Petitioner admitted the said petition. Thereafter, the Petition was heard on 1.6.2021 and 16.11.2021 through video conferencing.

5. During the course of hearing on 16.11.2021, the learned counsel for the Petitioner submitted that the bidding process for installation of FGD for SO₂ control and Borosilicate Lining of Existing Chimneys in its generating stations was initially floated on 4.6.2020 and subsequently rescheduled on 23.9.2020. The bidders were short listed on 21.11.2020. The price bid of the qualified bidders were opened on 25.5.2021 and reverse auction was held on 31.5.2021. However, the approval of the Company’s Board is awaited and the letter of award is expected to be issued after the approval of its Board. Further, in response to a query of the Commission regarding the cost of project, the learned counsel for the Petitioner submitted that the cost of the project is also not yet approved by its Board and accordingly the cost details are not available. The Commission directed to the Petitioner to submit the details of the firmed-up cost along with the approval of tender by its Board.



6. The Petitioner vide its letter dated 26.9.2022 sought an adjournment of the hearing on 27.9.2022 in the matter on the ground that the finalisation of tender is still under review and the decision of the Petitioner's Board is also pending. During the course of hearing on 27.9.2022, the learned counsel for the Petitioner sought permission to withdraw the present petition with liberty to file a fresh petition as and when the tender is finalised and approved by its Board. The learned counsel also requested to adjust the filing fee paid in the present petition against the petition to be filed in future.

7. It is observed that there is considerable delay in finalisation of the bidders and approval of the same by the Petitioner's Board. Taking into consideration the submissions of the learned counsel for the Petitioner, the Petitioner is permitted to withdraw the present petition with a liberty to file a fresh petition. The filing fees deposited by the Petitioner in respect of the present petition shall be adjusted against any petition filed by the Petitioner related to this matter in future.

8. Accordingly, Petition No. 429/MP/2019 is disposed of.

sd/-
(P.K. Singh)
Member

sd-
(Arun Goyal)
Member

sd/-
(I.S. Jha)
Member

