

CENTRAL ELECTRICITY REGULATORY COMMISSION

3rd & 4th Floor, Chanderlok Building, 36, Janpath, New Delhi-110001

Minutes of the Meeting of the Commission **held on 8th May, 2023**

1.0 The following were present:

1. Shri Jishnu Barua, Chairperson
2. Shri I. S. Jha, Member
3. Shri Arun Goyal, Member
4. Shri Harpreet Singh Pruthi, Secretary
5. Dr. Sushanta K. Chatterjee, Chief (RA)
6. Shri Awdhesh Kumar Yadav, Chief (Engg.)
7. Shri Proteek Kr Chakraborty, Chief (Fin.)
8. Shri Rajeev Pushkarna, Chief
9. Shri Sunil Kumar Jain, Jt.Chief (Engg.)

In Chair

2.0 ITEM NO.1: GUIDELINES TO PROMOTE DEVELOPMENT OF PUMP STORAGE PROJECTS (PSP)

2.1 Guidelines by the Ministry of Power, Government of India vide letter No. 15-14/9/2022-H-II(Part) dated 10.4.2023.

2.2 Status

- The Commission noted the guidelines issued by the Ministry of Power, Government of India.

3.0 ITEM NO.2: REFERENCE- DIRECTION U/SECTION 107 OF THE ELECTRICITY ACT.

3.1 Direction by the Ministry of Power, Government of India vide letter No. 23/23/2020-R&R/RCM dated 20.4.2023 under Section 107 of the Electricity Act, 2003 to take necessary action for operationalizing the Scheme for Pooling of Tariff of those plants whose PPAs have expired.

3.2 Status

- Staff informed the Commission that CERC vide its Order in Petition no. 60/MP/2021 along with IA No. 12/2021 and 65/MP/2021 along with IA No. 31/2021 and IA No. 33/2021 dated 01.07.2021 decided the following:

“48. In light of the above discussion, we are of the view that in terms of the PPA and the SPPA and the fact that Dadri-I generating station having completed 25 years on 30.11.2020, the Petitioners are eligible to exercise the first right of refusal as per provisions of Regulation 17(2) of the 2019 Tariff Regulations. Government of India Guidelines also permit the willing distribution companies to relinquish their allocation after a period of 25 years from COD. DERC has already written to Ministry of Power for de-allocation of share of distribution companies of Delhi. For relinquishment of their allocations, the Petitioners may approach the Ministry of Power. Provisions of Regulation 17(2) related to first right of refusal would become effective once the Ministry of Power de-allocates share of the Petitioners from Dadri-I generating station.

49. Accordingly, we answer that PPA/SPPA is still subsisting as the allocation of power by Ministry of Power, Government of India from Dadri-I generating station to the Petitioner is still subsisting as per the Share Allocation Revision No.1/2021-22 dated 1.4.2021 issued by NRPC; that the Petitioner may exit from the PPA/SPPA by approaching the Ministry of Power for de-allocating its share from Dadri-I generating station; and that as Dadri-I generating station has already completed 25 years on 30.11.2020 from its COD, the provisions of Regulation 17(2) related to first right of refusal would become effective once the Ministry of Power de-allocates share of the Petitioners from Dadri-I generating station.”

Staff also informed that aggrieved by the said Order, the Petitioner appealed before APTEL, wherein APTEL vide its Order dated 08.02.2022 in Appeal No. 239 of 2021 & IA No 1175 of 2021 and Appeal No 240 of 2021 & IA No 1179 of 2021 decided the following:

“79. We, therefore, opined that the Appellant has the powers to exit the PPA/SPPA signed with the Respondent No. 2 under Regulation 17(2) of the Tariff Regulations, 2019 for Dadri-I Generating Station of NTPC and exercising such power vide letter dated 30.11.2020 is in line with the provision contained under the said Regulation.”

The Order of APTEL was further challenged before the Hon’ble Supreme Court, wherein the Hon’ble Supreme Court has issued a stay on the Order of APTEL vide its Order dated 13.04.2023 in Civil Appeal No.1877/2022. The final decision of the Hon’ble Supreme Court is pending in this matter.

- The Commission directed the staff to give update on the matter pending before the Hon’ble Supreme Court and also examine if any regulatory process (including amendment to Regulations) can be initiated pending the decision of the Hon’ble Supreme Court.

4.0 ITEM NO.3: DECLARATION OF NATIONAL LEVEL PEAK AND OFF-PEAK MONTHS/SEASON UNDER THE CERC REGULATIONS 2019

4.1 Direction by the Ministry of Power, Government of India vide letter No. 23/29/2022-R&R dated 27.4.2023 under Section 107 of the Electricity Act, 2003

4.2 Status

- The Commission after deliberations directed the staff to prepare a Staff Paper inviting comments from the stakeholders on the issues raised in this context. The Commission also directed the staff to review the past operational experience including petitions filed in this regard.

5.0 ITEM NO.4: SECURITY CONSTRAINED ECONOMIC DISPATCH (SCED) PILOT PROJECT.

5.1 Reference from the Ministry of Power, Government of India vide letter No. 23/16/2020-R&R dated 25.04.2023 regarding Implementation of Day-Ahead National Merit Order Dispatch Mechanism

5.2 Status

- The staff were directed to make a detailed presentation in the next meeting highlighting the process flow.

6.0 ITEM NO.5: MULTIPLIER FOR OFF-SHORE WIND TECHNOLOGY

6.1 Suggestions by the Ministry of Power, Government of India vide letter No. 23/06/20201-R&R (Part-1) dated 15.09.2022 on allowing Multiplier for off-shore wind technology in the present REC mechanism

6.2 Status

- The Commission directed the staff to compile the data required for assigning the multiplier at the earliest and put up the proposal for consideration of the Commission.

7.0 The meeting ended with vote of thanks to the Chair.
