

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 120/GT/2023

Subject : Petition Under Section 62 and 79 (1) (a) of the Electricity Act, 2003 read with Chapter-V of the CERC (Conduct of Business) Regulations, 1999 and Regulation 9 of the CERC (Terms and Condition of Tariff) Regulations, 2019 for approval of tariff of Barauni Thermal Power Station Stage-II (2x250 MW) on COD of Unit-9 (Unit-2 of Stage-II).

Petitioner : NTPC Ltd.

Respondents : North Bihar Power Distribution Company Ltd and anr.

Date of hearing : **30.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member

Parties Present : Shri Venkatesh, Advocate, NTPC
Shri Abhishek Nangia, Advocate, NTPC
Shri Mohit Gupta, Advocate, NTPC
Shri Tabrez Malawat, Advocate, NBPDC and SBPDCL
Shri Syed Hamza, Advocate, NBPDC and SBPDCL
Shri Sourajit Sarkar, Advocate, NBPDC and SBPDCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner submitted that the Petitioner had earlier filed Petition No. 231/GT/2020 for the determination of tariff of Barauni TPS, Stage-II for the period from anticipated COD of Unit-8 (Unit-1 of Stage-II). However, the present Petition has been filed after incorporating the cost of Unit-2 of Stage-II. He further submitted that the Petitioner has filed an amended Petition for both units after the actual COD of these units.

2. The learned counsel for the Respondents submitted that time may be granted to them to file a reply in the matter.

3. The Commission, after hearing the parties, directed the Petitioner to file the following additional information on or before **8.12.2023**, after serving a copy to the Respondents:

- (a) *Reasons along with supporting documents for time elapsed between the successful trial run to the declaration of COD of each unit i.e. 3 months for units 8 and 4.5 months for unit 9. Further, shall furnish the works carried out during these periods along with supporting documents and the energy supplied to the grid and the revenue realized thereof.*
- (b) *Rationality and reasons for claiming SCOD for both units 8 and 9 as 15.12.2020, in spite of the 18 months specified in the transfer scheme and also as per submissions made in Petition No. 231/GT/2020 the envisaged COD for units 8 and 9 as 1.1.2020 and 30.9.2020, respectively.*
- (c) *Detailed status of each head wise item i.e. the works completed, the works partially completed along with the percentage of completion, works yet to start w.r.t. unit 8 as on dates 15.12.2018, 1.1.2019 and date of COD of unit i.e. 1.3.2020.*
- (d) *Detailed status of each head wise item i.e. the works completed, the works partially completed along with the percentage of completion, works yet to start w.r.t. exclusively unit 9 as on dates 15.12.2018, 1.1.2019, date of COD of unit 8, 31.3.2020, 31.3.2021, 14.6.2021 and date of COD of the unit. Further, shall furnish auditor certified financial statements on these dates, including as on 31.3.2019, 1.3.2020, 31.3.2020, 31.3.2021 and 1.11.2021.*
- (e) *Reasons for claiming condonation of delay in COD of unit 9, including on account of COVID and shortage of industrial oxygen, after its successful trial run completion date i.e. period between 18.6.2021 to 30.11.2021 along with supporting documents to substantiate the same.*
- (f) *Reasons for claiming the relaxation in Boiler Efficiency and Turbine Heat Rate by citing that the units were envisaged in 2004–09 period, in spite of the works being awarded to M/s BHEL in 2011. Further, shall submit the details of the guaranteed Boiler Efficiency and Turbine Cycle Heat Rate awarded as per the tender document and actual parameters guaranteed by OEM and PG test reports thereof, along with penalty clauses associated with the deterioration of 0.1 % of Boiler efficiency and turbine heat rate.*
- (g) *Head-wise and year-wise detailed break-up of IEDC till CoD of Unit-I and Unit-II, particularly, indicating water charges, security charges, O&M expenses, start-up power charges, coal charges, oil charges, transmission charges, RLDC charges, spares etc and apportionment of these charges among stage I and II and apportionment thereof to the unit I and II of stage II.*
- (h) *Break-up of common facilities in Unit-8 and Unit-9 in original project cost estimate vis-à-vis actuals.*
- (i) *Scope of works finalized after taken over and cost considered thereof along with DPR, Feasibility Report, CPM / PERT chart etc, prepared at the time of plant taken over.*
- (j) *Reasons for delay in taking up the requirement of supply for make-up water pump with DISCOM of Bihar in January 2020, i.e. after one year of taken over.*

- (k) *Furnish the segregated details in form 15, for domestic coal received from linked mines, mine allocated to petitioner and e-auction. Further, shall furnish the reasons along with supporting documents for claiming diesel charges in form 15 for the coal received. Further shall furnish penalty / credit note received from the coal company for delay in coal supply and adjustment thereof in the cost of coal along with complete details and supporting documents thereof.*
- (l) *Furnish head wise detailed break up of 'Handling, Sampling and such other similar charges' along with supporting documents substantiating such expenses and also the expenses claimed pertaining to the subject three months considered in form 15.*
- (m) *In reference to information furnished in Form 15, the Petitioner is required to furnish the GCV (EM), equilibrated moisture, total moisture, GCV (TM), etc., at both the loading end and unloading end. Further, it shall furnish detailed computation, in excel with all the requisite links and formulae, of 'GCV as received' arrived based on sampling reports of the third party along with a copy of subject reports.*
- (n) *In regards to additional capitalizations claimed, the petitioner shall furnish detailed justification including the specific purpose of such item, IDC claimed, year of put to use of each item etc.*
- (o) *Details of infirm power, de-capitalization of assets prior to COD and revenue realized on account of these, penalty and LD recovered from vendors, etc along with supporting documents and adjustment of these revenues in capital cost thereof.*
- (p) *In regards to Form 15 A, the petitioner shall submit the subject information, particularly GCV and cost exclusive of opening stock, for three months wherein, the oil was actually procured.*
- (q) *Soft copy in formula based excel file for detailed calculation of IDC (including normative IDC), Finance charges, FERV as on COD of both the Units i.e. Unit 8 and Unit 9, containing date of drawl, date of repayment, rate of interest, foreign exchange rates etc.*
- (r) *Statement showing allocation of IDC and FERV from date of first drawl of loan till COD of each unit.*
- (s) *Auditor certified statement in respect of flow of un-discharged liabilities.*
- (t) *Copies of loan agreements in respect of loans utilized for the project.*
- (u) *Documentary evidence relating to interest rates considered since the date of the first drawl.*
- (v) *Auditor certified statement showing details of IDC, FC, Loan FERV and Package FERV included in the gross block as on COD of respective units.*
- (w) *Reconciliation of the undischarged liabilities as per Form-18 with those as per books.*

4. The Respondents are directed to file their replies by **8.1.2024**, after serving a copy on the Petitioner, who may, file its rejoinder, if any, by **7.2.2024**. The parties shall complete pleadings within the due dates mentioned, and no extension of time shall be granted.

5. The Petition shall be listed for hearing on **23.2.2024**.

By order of the Commission

Sd/-
(B. Sreekumar)
Joint Chief (Law)