

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 166/MP/2021

Subject : Petition under Sections 79(1)(a) and 79(1)(f) of the Electricity Act, 2003 read with Regulation 7 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 for payment of compensation of de-gradation to the Petitioner.

Petitioner : NTPC Limited

Respondents : SRPC and 11 others

Date of Hearing : **7.2.2023**

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

Parties Present : Shri Venkatesh, Advocate, NTPC
Shri Abhishek Nangia, Advocate, NTPC
Shri Punyam Bhutani, Advocate, NTPC
Shri U.S. Mohanty, NTPC
Shri Shahrab Zaheer, NTPC
Shri S. Vallinayagam, Advocate, TANGEDCO
Shri Prashant Kumar, Advocate, Karnataka Discoms
Shri Ahaan Kumar, Advocate Karnataka Discoms
Shri Sajal Jain, Advocate, Karnataka Discoms

Record of Proceedings

During the hearing, the learned counsel for Petitioner made detailed oral submissions in the matter. He also pointed out that the issue regarding retrospective adjustment in the present case, is covered by the order of this Commission dated 12.1.2023 in Petition No. 221/MP/2021 (MPL v TPDDL& ors). The learned counsel accordingly submitted that the prayer of the Petitioner may be allowed.

2. The learned counsel for the Respondent TANGEDCO circulated short note of arguments and made oral submissions in the matter.

3. The learned counsel for the Respondent Karnataka Discoms submitted that the reply filed in the matter may be considered at the time of disposal of the petition.

4. After hearing the parties, the Commission directed the Petitioner to submit the following additional information, on or before **6.3.2023**, after serving advance copy to the Respondents:



- (a) The proposed COD of the generating station as per original schedule is 25.5.2017 and actual COD of the generating station is 15.9.2018 (i.e. during 2014-19 tariff period). The reason as to why the Petitioner has billed the Respondents as per design SHR of 2241.41 kCal/kWh (and not as per normative SHR of 2210.66 kCal/kWh), despite being aware that the COD of the generating station is falling during the period 2014-19 and that the 2014 Tariff Regulations was in vogue during the disputed period;
- (b) Duly audited and certified details of computation of compensation claimed of Rs 12.65 crore.
- (c) The comparison of month wise billed ECR due to Design heat rate of 2241.41 kCal/kWh and ECR as per normative SHR of 2210.66 kCal/kWh during the disputed period along with the declared capacity during the period.
- (d) Month wise merit order dispatch for the disputed period in comparison to other generating stations as per the design heat rate and what would have been the merit order if the Normative SHR was taken into consideration.
5. The Respondents are permitted to file their replies, by **21.3.2023**, after serving copy to the Petitioner, who may, file its rejoinder, if any till **31.3.2023**.
6. Subject to the above, order in the petition was reserved.

By order of the Commission

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

