

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 249/MP/2022

Subject : Petition for seeking direction to the Respondents to pay capacity charges and interest on delay in payment of capacity charges and energy charges in terms of PPA dated 13.3.1997.

Petition No. 250/MP/2022

Subject : Petition for reimbursement of finance and procurement costs and applicable interest as per the provisions of PPA.

Petition No. 251/MP/2022

Subject : Petition for reimbursement of bank guarantee commission (part of finance and procurement costs) as claimed vide supplementary bills bearing Nos. 003 dated 21.3.2011, 004 dated 27.3.2012, 005 dated 1.3.2013, 006 dated 14.3.2014 and 007 dated 11.3.2015 and consequently direct the Respondents 1 to 3, to reimburse an amount of Rs.30,07,901/- being their share of bill amount.

Petition No. 252/MP/2022

Subject : Petition for direction to the Respondents to pay an amount of Rs. 9,11,91,4781- towards reimbursement of the minimum fuel off-take charges (imbalance charges, cost of ship or pay quantity and cost of deficiency quantity of gas) as claimed by the Petitioner which are part of monthly tariff bills.

Petitioner : Lanco Kondapalli Power Limited

Respondents : Andhra Pradesh Power Coordination Committee and 5 others

Date of Hearing : **25.10.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri M.G. Ramachandran, Senior Advocate, LKPL
Shri Sourabh Gupta, Advocate, LKPL
Shri Puneet Yadav, Advocate, LKPL
Ms. Ananya Gupta, Advocate, LKPL
Ms. Pooja Bhardwaj, Advocate, LKPL
Shri Ujjwal Chaudhari, Advocate, LKPL
Shri Anand K. Ganesan, Advocate, Andhra & Telangana Discoms
Ms. Ashabari Thakur, Advocate, Andhra & Telangana Discoms

Record of Proceedings

At the outset, learned counsel for the Respondents sought time to file their written submissions in these matters. This was not objected to by the learned counsel for the Petitioner. Accordingly, the Commission, based on the consent of the parties, adjourned the hearing of these petitions.



2. Meanwhile, the Petitioner and the Respondents are directed to file the following additional information, after serving a copy to the other, on or before **27.11.2023**:

(A) The Petitioner and the Respondents shall furnish the following information:

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Petitioner

- (i) Details regarding the period (from data and to date), availability and energy generation considered for each unit in arriving at claimed capacity charges and energy charges.
- (ii) Reasons for claiming capacity charges for the period from 25.10.2000 to 1.1.2001, in spite of PPA being valid for 15 years and also receiving capacity charges for 15 years 2.1.2001 to 1.1.2016.

Respondents:

- (a) The details of energy charges paid for the period from testing of units to the date 01.01.2001 and the reasons for non-payment of energy charges, if any, for the subject period.

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Petitioner

- (i) Details regarding the claim made, including the date of invoice and supporting documents, w.r.t. reimbursement of finance and procurement charges for the period 22.6.2000 to 10.8.2001.

Respondents

- (ii) The relevant clauses of PPA to substantiate the submission that the claim is time-barred.

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Petitioner

- (i) Details of assumptions and methodology followed in arriving at minimum off-take fuel and the relevant clauses of the Gas Supply Agreement (GSA) thereof and actions taken to revise the minimum fuel off-take.
- (ii) Reasons for claiming ship and payment charges from October 2011 to July 2012 for the gas actually not procured and the relevant clauses of the Gas Transportation Agreement (GTA).
- (iii) The consent taken from Respondents regarding the conversion of units from naphtha-based units to natural gas-based units, GSA and GTA.

Respondents

- (a) The Respondent shall furnish the reasons for objections raised against the claims made towards minimum fuel off-take and ship and payment charges, in spite of consent given for GSA and GTA, if any.

(B) The Petitioner shall furnish the following information:

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- (i) Reasons for claiming reimbursement of BG commission towards naphtha post 01.09.2001, in spite of the primary fuel of the generating station being natural gas.



(ii) Reasons for depositing BG with HPCL after 01.09.2001 and actions taken to revise the subject BG amount

3. The parties shall file their reply/rejoinder on the above, with a copy to the other, on or before **15.12.2023**. The parties shall ensure the completion of pleadings within the due dates mentioned.
4. These Petitions will be listed for hearing on **17.1.2024**

By order of the Commission

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

