

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 220/MP/2022

Subject : Petition under Section 79(1) & Section 94 of the Electricity Act, 2003 read with Regulations 74, 82, 111 & 112 of the CERC (Conduct of Business) Regulations, 1999 for considering unit and corresponding numerical value of water utilization for irrigation 'Q' from 'BM³' to 'MAFt' and Reservoir level of Omkareshwar Sagar Project at EL 192.97 M achieved on 4th October, 2017 & at EL 196.59 MW achieved on 5th November, 2019 in the tariff orders issued by the Commission from time to time.

Petition No. 378/MP/2022

Subject : Petition under Section 79 (f) & 94 of the Electricity Act, 2003 read with Regulations 74, 82, 111 & 112 of CERC (Conduct of Business) Regulations, 1999 for considering unit of water utilization for irrigation 'Q' from BM³ to 'MAFt' in the Tariff orders of Indira Sagar Hydro Electric Project from time to time, in accordance with the corrigendum dt. 29.3.2022 against the TEC to RCE issued by CEA.

Petitioner : MPPMCL

Respondents : NHDCL and anr.

Date of Hearing : **20.9.2023**

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

Parties Present : Shri Aditya Singh, Advocate, MPPMCL
Shri Ravindra Khare, MPPMCL
Ms. Suparna Srivastava, Advocate, NHDCL
Shri Tushar Mathur, Advocate, NHDCL
Ms. Tejasvita Dhawan, Advocate, NHDCL
Ms. Divya Sharma, Advocate, NHDCL
Shri N. K. Chellani, NHDCL
Shri Y. N. Rao, NHDCL

Record of Proceedings

During the hearing of these petitions, the learned counsel for the Petitioner mainly submitted as under:

- (a) There is an incorrect calculation of quotient 'Q' for considering the water utilization for irrigation, which leads to incorrect value of the design energy and ultimately, incorrect tariff calculations. This incorrect value has been rectified by the CEA through a corrigendum.



- (b) There is an adverse impact of Rs. 290 crores (till the date of filing of the petition) due to the said calculation mistake.
- (c) The corrigendum issued by CEA has also been accepted by the Respondent.
- (d) All relevant details, including revised calculations, and its impact on tariff, taxes and dividends received by the Petitioner will be submitted on an affidavit.

2. On a specific query by the Commission as to whether any efforts were made by the parties to settle the issues amicably, the learned counsel for the Respondent submitted that both parties have discussed the matter, but failed to arrive at an amicable settlement. The learned counsel for the Respondent further submitted that though the Respondent does not contest the CEA corrigendum, the question of its applicability (whether retrospective or prospective) may be decided by the Commission. While pointing out that the Petitioner has not shown the actual losses with calculations, the learned counsel for the Respondent submitted that the Petitioner has approached the Hon'ble High Court of Madhya Pradesh on the same issue, which is pending.

3. The Commission, after hearing the parties, directed the Petitioner to submit the following additional information, on affidavit, by **31.10.2023** after serving a copy to the Respondent:

- (a) The details of the case filed before the Hon'ble High Court of Madhya Pradesh and the relief(s) sought therein viz-a-viz present petition along with reasons and justification for filing cases in different forums.*
- (b) All relevant details, including existing and revised calculations, its impact on tariff, taxes and dividend received by the Petitioner for the period under dispute.*

4. The Respondent may file its reply on the above, on or before **24.11.2023**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **15.12.2023**. Pleadings shall be completed by the parties, within the due dates mentioned.

5. The Petitions will be listed for hearing on **5.1.2024**.

By order of the Commission

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

