

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 116/MP/2019

Subject : Petition under Section 79 (1)(f) of the Electricity Act, 2003 read with CERC Tariff Regulations, 2014 for resolution of disputes regarding payment of capacity charges for the allocated capacity for Muzaffarpur Thermal Power Station (MTPS) Stage – II (2X195 MW).

Petitioner : KBUNL

Respondents : JBVNL and 4 others

Date of Hearing : **16.2.2024**

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

Parties Present : Shri Anand Ganesan, Advocate, KBUNL
Ms. Swapna Seshadri, Advocate, KBUNL
Ms. Ritu Apurva, Advocate, KBUNL
Shri Prashant Chaturvedi, KBUNL
Ms. Nilantika Banerjee, KBUNL
Ms. Rohini Prasad, Advocate, Bihar SLDC
Shri Pallav Maitra, Advocate, GRIDCO
Shri Venkatesh, Advocate, DVC
Shri Ashutosh Srivastava, Advocate, DVC
Shri Sidharth Nigotia, Advocate, DVC

Record of Proceedings

During the hearing, the learned counsel for the Petitioner made detailed oral submissions and prayed that the Commission may reserve its order in the matter.

2. The learned counsel for the Respondent DVC submitted that Bihar SLDC, had neither communicated the declared capacity of the Petitioner to DVC on a day-to-day basis nor did it get any consent from DVC for the scheduling of the same. He also submitted that since the amicable settlement of the issue was not possible, the Commission may adjudicate the said matter.

3. The learned counsel for the Respondent Bihar SLDC pointed out that it has furnished the additional information sought by the Commission vide ROP of the hearing dated 8.12.2023 after serving a copy on the other parties. She also referred to the ERPC meeting dated 25.1.2017 at Kolkata and submitted that the mandatory compliance of the Connectivity and Long-Term Access (LTA) agreement was required to be submitted by each beneficiary to the Bihar SLDC for scheduling of the generating station, to its beneficiaries,



other than Bihar Discoms. The learned counsel also submitted that as per the records of the Bihar SLDC, there was no further communication from the Petitioner or its respective beneficiaries with regard to the submission of the LTA agreement and the start of the scheduling operations. Accordingly, the learned counsel submitted that DVC was in breach of its contractual obligations, and it ought not to be allowed to take benefit of its own default.

4. The learned counsel for the Petitioner pointed out the Commission's Order dated 9.3.2018 in Petition No. 20/MP/2017 wherein it is mentioned that the generator was to give its availability at bus bar and, therefore, submitted that the reliefs sought in the petition may be allowed.

5. The Commission, after hearing the parties, directed the Bihar SLDC and the Petitioner to submit the following additional information after serving copy to the other parties on or before **8.4.2024**:

Bihar SLDC

(a) *To furnish the day-wise Declared Capacity (DC) for the period from 17.3.2017 to 31.3.2018 in the following format:*

Date	DC received from Petitioner (MW)	DC communicated to Bihar (MW)	DC communicated to Telangana (MW)	Schedule given by Bihar (MW)	Schedule given by Telangana (MW)	Actual energy generated (MW) by Petitioner	Actual energy supplied to Bihar (MW)	Actual energy supplied to Telangana (MW)

Petitioner

- (i) *Actions taken / efforts made, such as participation in the market, quantum of capacity bid, sale to third party etc., to utilize available capacity over and above schedule given by SLDC Bihar and if not, the reasons thereof.*
- (ii) *The amount bilaterally settled with GRIDCO, indicating the segregated amount associated with the period from 17.3.2017 to 31.3.2018 and from 1.4.2018 up to the date of settlement and the impact or adjustment of such amount in capital cost of the project.*

6. The Petitioner/Respondents, as the case may be, are permitted to file their replies/ responses, if any, to the above, on or before **18.4.2024**.

7. Subject to the above and based on the consent of the parties, the order in the petition was reserved.

By order of the Commission

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

