

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 227/MP/2023

Subject : Petition under Section 62 and 79(1)(a) of the Electricity Act, 2003 read with Regulation 29 of the CERC (Terms and Condition of Tariff) Regulations, 2019, for determination of tariff on installation of various Emission Control Systems in MTPS U#7&8 (1000 MW) of DVC in compliance of Revised Emission Standards.

Petitioner : DVC

Respondent : BYPL and 8 ors.

Date of Hearing : **5.9.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Aashwyn Singh, Advocate, DVC
Shri Arijit Maitra, Advocate, BYPL

Record of Proceedings

Since the order in the Petition (which was reserved on 23.2.2024) could not be issued prior to two Members of this Commission, who formed part of the Coram, demitting office, the matter has been re-listed for hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that in the last hearing, the Petitioner had informed that ECS of Unit-7 and Unit-8 would be commissioned shortly, and the matter was reserved for the order. He pointed out that subsequently, both the Units have been commissioned, i.e., Unit-7 on 5.2.2024 and Unit-8 on 16.4.2024, and requested to amend the Petition. He also sought liberty to file Vakalatnama, which was allowed.

3. The learned counsel for the Respondent submitted that for claiming expenses on the emission control system equipment purchased, the Petitioner needs to verify that the equipments have been purchased by way of a competitive bidding tender process, and the auditor certificate verifying the expenses is also required to be submitted.

4. The Commission, after hearing the learned counsel for the parties, allowed the Petitioner to file an amended Petition and also directed the Petitioner to submit the following additional Information in the amended petition after serving a copy to the Respondent on or before **11.10.2024**:



- a) *Date of Operation (ODe) in respect of ECS of Unit 7 and Unit 8 of MTPS is 26.01.2024 and 29.03.2024 respectively, as per submission of the Petitioner and Certificate for ODe on record. However, the counsel for the Petitioner, during the hearing on 5.9.2024, submitted that the ODe of the aforesaid ECS were completed during the months of February 2024 (control period 2019-24) and April 2024 (control period 2024-29). The Petitioner is directed to file an amended petition considering the actual date of operation of the subject ECS as per the applicable tariff regulation during that control period.*
- b) *Delay in competition of various milestone activities along with the supporting documents, in respect of ECS of Unit 7 of MTPS in the following format:*

S. No	Milestone Activities	Scheduled date of completion as per L1 Schedule		Actual date of completion		Reason (s) for delay	Details of LD recovered from the vendor, if any
		From	To	From	To		
1	Completion of Engineering work	15.07.2019	14.03.2020				
2	Supply of Materials for Unit-7 and common facilities	15.07.2019	14.09.2020				
3	Civil and structural works of Unit-7 and common facilities	20.11.2019	20.12.2020				
4	Installation of equipment of Unit-7 and common facilities	03.08.2020	14.05.2021				
5	Commissioning of FGD Unit-7	15.06.2021	14.07.2021				
6	Completion of Unit-7 and common facilities	15.07.2021	14.10.2021				
7	Combustion Modification System for Unit-7						
8	Any other work						

- c) *Delay in competition of various milestone activities along with the supporting documents, in respect of ECS of Unit 8 of MTPS in the following format:*

S. No	Milestone Activities	Scheduled date of completion as per L1 Schedule		Actual date of completion		Reason(s) for delay	Details of LD recovered from the vendor, if any
		From	To	From	To		
1	Completion of Engineering work	15.07.2019	14.03.2020				
2	Supply of Materials for Unit-8 and common facilities	13.10.2019	14.12.2020				
3	Civil and structural works of Unit-8	18.02.2020	20.03.2021				



	<i>and common facilities</i>					
4	<i>Installation of equipment of Unit-8 and common facilities</i>	<i>20.10.2020</i>	<i>14.08.2021</i>			
5	<i>Commissioning of FGD Unit-8</i>	<i>15.09.2021</i>	<i>14.10.2021</i>			
6	<i>Completion of Unit-8 and common facilities</i>	<i>15.10.2021</i>	<i>14.01.2022</i>			
7	<i>Combustion Modification System for Unit-8</i>					
8	<i>Any other work</i>					

d) *OEM-certified PG test report to ensure emission norms achieved in respect of the subject ECS system in compliance with the MoEF & CC Notification.*

e) *Furnish an Auditor's Certificate certifying the Capital Cost, including Hard Cost, IDC, and IEDC, as per the format given below:*

	Capital Cost	IEDC	IDC	Total
<i>Expenditure up to DOCO</i>				
<i>Estimated Expenditure from DOCO to 31.03.2024</i>				
<i>Total</i>				

f) *Furnish the details of the competitive bidding (tender) process.*

5. The Respondents are permitted to file a reply on or before **29.10.2024** after serving a copy to the Petitioner, who may file its rejoinder, if any, by **5.11.2024**.

6. The matter will be listed for hearing on **14.11.2024**.

By order of the Commission

**Sd/-
(Deepak Pandey)
Assistant Chief (Law)**

