

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 236/GT/2021**

Subject : Petition for approval of tariff for the period from anticipated COD of Unit-I to 31.3.2024 for Barh Super Thermal Power Station (3 x 660 MW)

Petitioner : NTPC Limited

Respondent : North Bihar Power Distribution Company Limited and 4 others

Date of Hearing : **6.12.2023**

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

Parties Present : Shri Venkatesh, Advocate, NTPC  
Shri Abhishek Nangia, Advocate, NTPC  
Shri Mohit Gupta, Advocate, NTPC  
Shri Puneeth Ganapathy, Advocate, Bihar Discoms  
Shri Himanshu, Advocate, Bihar Discoms  
Shri R. K. Mehta, Advocate, GRIDCO  
Ms. Himanshi Andley, Advocate, GRIDCO

**Record of Proceedings**

At the outset, the learned counsel for the Petitioner, NTPC, submitted that though the present petition has been filed for approval of tariff from the anticipated COD of Unit-I of the generating station till 31.3.2024, the same was amended considering the actual COD of Unit-I (12.11.2021). He, however, submitted that since Unit-II of the generating station has achieved COD on 1.8.2023, the Petitioner may accordingly be permitted to file the amended petition.

2. The learned counsel for the Respondents, GRIDCO and Bihar Discoms submitted that they may also be granted time to file their replies to the amended petition after receipt of the same.

3. The Commission, after hearing the learned counsel for the parties, permitted the Petitioner to amend the petition, considering the actual COD of Unit-II of the generating station, on or before **5.2.2024**. While doing so, the Petitioner shall furnish the following additional information after serving a copy to the Respondents:



- (a) *Head-wise percentage of works completed, including major milestones achieved and yet to be completed as on 30.11.2023 for Unit 3, along with CPM / PERT chart indicating scheduled timelines and actually executed timelines.*
- (b) *Investment approval, head-wise percentage of works completed w.r.t. unit II, as on its COD, i.e. 01.08.2023, along with CPM / PERT chart indicating scheduled timelines and actually executed timelines.*
- (c) *Detailed computation sheet (excel sheet based on third-party sample reports with links and formulae) in arriving at GCV as Received (EM), GCV as Received (TM), Equilibrated Moisture and Total Moisture at unloading end along with a copy of all third-party reports pertaining to respective month. Further, furnish the reasons why GCV (EM) at the unloading end is lower than GCV (EM) at the loading end, despite the Equilibrated Moisture at the unloading being lower than that of the loading end.*
- (d) *Details of exclusive credit note received from coal company on account of grade slippage along with supporting documents.*
- (e) *The complete Minutes of the Meeting (MoM) of the board associated with the approval of RCE III.*
- (f) *The relevant regulations under which the boiler efficiency is claimed as 84.331 % on a provisional basis instead of actual minimum guaranteed efficiency. Further, furnish the details of the hydro test and PG test of the boiler along with a copy of the complete reports.*
- (g) *Reasons for claiming Rs. 7227.05 lakh towards power charges till COD of unit 1 under IEDC i.e. form P, while the same was mentioned as Rs. 3761.85 lakh, including RLDC fee and misc. charges in the amended petition. Further, furnish the year-wise transmission charges paid to CTU till the COD of unit 1 and 2.*
- (h) *The actual date of the successful trial run operation and actual COD of unit 1 and unit 2 and the reasons, along with supporting documents for the gap between the trial run and COD, if any.*
- (i) *Details of penalties paid, if any, claimed as part of the capital cost; Further, furnish details of grant approved, claimed and received, if any, along with detailed terms and conditions associated with the grant.*
- (j) *Details of LD recovered / to be recovered / to be adjusted from each of the vendors on account of delay in execution of works and the actions taken in compliance with award of contract;*
- (k) *The status of commissioning of and operation of FGD of each unit, claimed for capitalization.*
- (l) *Reasons for claiming execution of various works such as Borosilicate Liner for Chimney, Commissioning of mills, turbine commissioning, etc, from September 2020 to January 2021 and condonation of delay thereof, in spite of the fact that the unit was synchronized in September 2020.*
- (m) *The list of common assets/facilities for both stages I and II and the apportionment of the cost of each such asset to stages I and II*



- (n) *The year-wise auditor certified total water charges, total security charges, total O & M, total oil charges, total coal charges, etc, from zero date to COD of units I and II, for both stages I and II of Barh STPS and apportionment of each such head to stage I and II.*
- (o) *Details of the communication made with Central / State agencies and notice issued to beneficiaries regarding issues, which resulted in a delay in the execution of the project.*
- (p) *A copy of the complete DPR / Feasibility Report prepared for the generating station*
- (q) *The impact of change in the legal status of M/s TPE, including its obligation to fulfil the awarded contract and reasons for claiming delay on account of the same. Further shall furnish the status of works of various packages, as on date termination of award of a contract with M/s TPE, along with a copy of the original award of contract, revised award of contract and adjudicator's order dated 28.11.2008.*
- (r) *Reasons for cracks observed on the 'staining wall' of the intake well, which has resulted in a delay in the execution of works, along with a copy of the enquiry report on the subject cracks.*
- (s) *Details of CAG's observations in the award of various contracts and delay in execution of works and the replies submitted thereof.*
- (t) *The reasons for claiming delay by citing excess rainfall in certain months of 2007, 2008 and 2011, despite the submissions that the works could not be carried out till 2012, on account of land acquisition issues. Further, the details regarding such rainfall being beyond the rainfall intensity of 50 years frequency, in terms of CEA (Construction Standards for Electrical Plants and Electric Lines) Regulation, 2010.*
- (u) *Reasons for high variation in cost claimed w.r.t. cost approved in RCE-III for various subheads such as external water supply system, Roads & Drainage, main plant Civil / Admin building etc,*
- (v) *Copy of plant layout clearly indicating the 70 acres of land acquired after 01.04.2009, out of 3200 acres identified for both stages I & II.*
- (w) *Soft copy of IDC, normative IDC, and FERV calculations with linkages considering actual CODs.*
- (x) *Depreciation forming part of the gross block as on respective CODs.*

4. The Respondents are permitted to file their replies on or before **4.3.2024**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **26.3.2024**. The parties shall strictly comply with the specified timeline, and no extension of time will be granted.

5. The Petition shall be listed for hearing on **12.4.2024**.

**By order of the Commission**  
**Sd/-**  
**(B. Sreekumar)**  
**Joint Chief (Law)**

