

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 265/MP/2024

Subject : Petition under section 62 and 79(1) (a) of the Electricity Act, 2003 read with Regulation 22 and Regulation 9 (4) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2024 seeking condonation of delay of Twenty-Four (24) months in declaring commercial operation date of tubed coal mines and approval of input price of coal supplied from tubed open cast coal mine for the period from date of commercial operation i.e., 1.4.2024 to 31.3.2029.

Petitioner : DVC

Respondent : BRPL & ors.

Date of Hearing : **26.11.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Harish Dudani, Member

Parties Present : Shri Bharath Gangadharan, Advocate, DVC
Shri Shivam Kumar Advocate, DVC
Shri Manu Tiwari, Advocate, DVC

Record of Proceedings

The case was heard through a virtual hearing.

During the hearing on 'admission,' the learned counsel for the Petitioner submitted that the present petition has been filed seeking condonation of the time overrun of twenty-four (24) months in the declaration of the commercial operation date of the tubed coal mines and for approval of input price of coal supplied from tubed open cast coal mine for the period from the date of commercial operation, i.e., 1.4.2024 till 31.3.2029.

2. The Commission, after hearing the learned counsel for the Petitioner, directed as under:

- (a) Admit. Issue notice to the respondents;
- (b) The Petitioner shall submit the following additional information after serving a copy on the Respondents on or before **6.1.2025**:
 - i) *The scheduled date vis-vis-actual date of completion of milestone activities associated with the present Integrated Mine, along with supporting documents;*
 - ii) *The scheduled date of achieving 25% of the Peak Rated Capacity as per the Mining Plan as well as the actual date of achieving 25% of the Peak Rated Capacity;*



- iii) *Supporting documents for the delay in declaring the CoD of the project in respect of Land Acquisition, Forest Clearance, and Environment Clearance;*
- iv) *Details of prior notice served to the beneficiaries along with supporting documents in terms of Regulation 5 (3) of the Tariff Regulations (Second Amendment) 2021;*
- v) *Approved mine plan clearly indicating the year-wise ATQ;*
- vi) *Furnish all forms duly signed and audited by the auditor, in terms of Regulations 3(9) and 8(1)(5) of the 2024 Tariff Regulations;*
- vii) *Soft copy (excel with links and formulae) of the detailed computation of month-wise escalation factor and mining fee claimed. Also, furnish reasons along with supporting documents for the higher escalation rate in the Mining Fee claimed up to 102.3%.*
- viii) *Month-wise Quantity of coal supplied, GCV billed, and GCV as per MDO agreement, the amount charged, and adjustment made thereof;*
- ix) *Details of the supply of coal and revenue earned prior to the CoD of the integrated mine clearly indicating the estimated price available in the investment approval and the notified price of Coal India Limited for the corresponding grade of coal supplied to the power sector, in terms of Regulation 7 of the 2024 Tariff Regulations.*
- x) *Detailed information regarding the scope of works under the Petitioner, works assigned to MDO, the facilities provided by the Petitioner, and the facilities created by the MDO;*
- xi) *The auditor certified year-wise payment made to MDO, particularly mentioning the escalation rate considered, the LD recovered from MDO, if any, on account of shortfall in production of coal and the adjustment of such charges;*
- xii) *The year-wise envisaged stripping ratio as per the mining plan, actual OB removal, revised coal production targets, actual coal production, and actual stripping ratio associated with integrated coal mine from the date of COD;*
- xiii) *Scheduled CoD of the CHP and status of commissioning of the CHP. Reasons for envisaged coal transportation cost during FY 2024-25 to FY 2027-28 and 'NIL' during FY 2028-29;*
- xiv) *Reason for not submitting 'Form 15 Non-Tariff Income' and Form-18 'Details for GCV Adjustment' as specified in the Tariff Regulations 2024;*
- xv) *Reason for higher upfront fee (Rs 5,722 Lakh under "Overheads- Upfront fee paid to the Nominated Authority MOC") paid by the Petitioner as compared to the total upfront amount payable (Rs. 48,63,67,944/-) as per Clause 1.1.52 and 5.2 of the Allotment Agreement executed between the President of India and the Petitioner vide dated 7.9.2016, along with the supporting documents;*
- xvi) *Legible copy of Annexure-III;*
- xvii) *Copy of EC and FC issued by MOEF&CC;*



- xviii) *Details of total land identified for mining, land acquired as on COD of mine, and year-wise land acquired since COD of the integrated mine;*
 - xix) *Break-up of cost (Hard Cost, IDC, and IEDC) of the integrated mine for the period from SCOD to COD, duly certified by the auditor, along with supporting documents. The soft copy (excel with links and formulae) shall also be provided in this regard and*
 - xx) *Soft copy (in MS Word) of the agreement executed with MDO.*
- (c) The Respondents shall file their replies to the Petition, along with replies on the above additional information submitted by the Petitioner, on or before **24.1.2025**, after serving a copy on the Petitioner, who may file its rejoinder, if any, by **10.2.2025**.
3. The matter shall be listed for hearing on **20.2.2025**.

By order of the Commission

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

