

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 46/MP/2024**

Subject : Petition under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under-recovered Energy to shortfall in energy generation for the reasons beyond the control of the generating station in 2021-22.

Date of Hearing : **10.10.2024**

Petitioner : NHPC

Respondents : PSPCL & 12 others.

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

Parties Present : Shri Rajeev Dwivedi, Advocate, NHPC  
Shri Aman Mahajan, NHPC  
Shri Anand Nair, Advocate, PSPCL  
Ms. Kritika Khanna, Advocate, PSPCL  
Shri Mohit Mudgal, BRPL  
Ms. Jaya, BYPL

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner submitted that since pleadings have been completed, order in the petition may be reserved.

2. In response, the learned counsel for the Respondent PSPCL pointed out that the Petitioner has not furnished the inflow data as required by the CWC for certification of the same. He further submitted that the shortfall in generation is on account of the inherent deficiencies/inefficiencies of the power station of the Petitioner. He accordingly submitted that the Petitioner may be directed to submit the updated complete water availability study along with the requisite raw discharge/ rainfall data and its analysis in soft copy in respect of this generating station (Parbati III HEP).

3. In response to a specific query by the Commission with regard to the status of the issuance of the certificate by the CWC, the learned counsel for the Petitioner submitted that the same is pending.



4. The Commission, after hearing the parties, directed the Petitioner to file the following additional information after serving a copy to the Respondents on or before **30.10.2024**:

- (a) *The status of the certification of the shortfall in energy generation due to inflows for the period 2020-21. In case the same is pending, the CWC is to be pursued for an early response by providing the available data ;*
- (b) *To check with the other PSUs as to whether the CWC has issued certificates with regard to their claims for shortfall in the energy generation due to inflows.*

5. The Respondents are permitted to file their replies/written submissions on or before **15.11.2024** after serving a copy to the Petitioner, who may file its rejoinder/response by **30.11.2024**. Pleadings shall be completed by the parties by the due dates mentioned.

6. Subject to the above, the order in the petition was reserved.

**By order of the Commission**

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

