

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 59/GT/2022

Subject : Petition for determination of tariff of Nabinagar Thermal Power Project (1000 MW) for the period from 1.4.2019 to 31.3.2024.

Petitioner : Bhartiya Rail Bijlee Company Ltd.

Respondents : East Central Railway and 2 others

Date of Hearing : **6.12.2023**

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

Parties Present : Ms. Swapna Seshadri, Advocate, BRBCL
Ms. Ritu Apurva, Advocate, BRBCL
Shri Karthikeyan Murugan, Advocate, BRBCL
Shri Sarthak Sareen, Advocate, BRBCL
Shri Anurag Gupta, BRBCL
Shri Arjun Agarwal, Advocate, ECR
Ms. Rohini Prasad, Advocate, Bihar Discoms

Record of Proceedings

At the outset, learned counsel for the Respondent Bihar Discoms submitted that they have been granted time till 13.12.2023 to file a reply to the additional information filed by the Petitioner and accordingly, after completion of the pleadings, the matter has been listed for hearing on 12.1.2024. In view of this, the hearing of the Petition was adjourned.

2. The Petitioner is directed to file the following additional information in legible, complete and relevant formats on or before **5.2.2024**, after serving a copy to the Respondents:

- (a) *The relevant clauses of FSA associated with grade slippage, including recovery of penalty. Further, the reasons for the difference between GCV at the loading end (EM basis) to GCV at the unloading end (EM basis) and the credit note received on account of grade slippage in each such month along with supporting documents.*
- (b) *The penalty clause provided in FSA for excess moisture and credit note received on account of excess moisture in each such month along with supporting documents.*
- (c) *The details of the amount and justification for claiming 'Coal Shifting' charges, 'Coal Transportation' Charges and 'Other' charges under the heading 'Handling, Sampling and such other similar charges' in form 15.*



- (d) *The reasons for claiming an enormous delay of around 4 years on account of the fire incident at BHEL yard, in spite of the loss incurred of Rs. 8.7 Cr is minor w.r.t.. total capital cost of the project. In this regard, the communication exchanged with BHEL shall be furnished.*
- (e) *The penalty and LD recovered from vendors in compliance of relevant clauses of award of works, for delay in execution of awarded works.*
- (f) *In regards to the claim of the petitioner that penalty and LD could not be recovered from UB Engineering Ltd., as the work was awarded by BHEL and the petitioner has no direct contract with this entity and also no penalty or LD recovered from BHEL, the reasons for claiming condonation of delay and additional expenses thereof, for lapses attributed to this entity.*
- (g) *In regards to the claim of the petitioner that penalty could not be recovered from M/s Era Infra Engineering Ltd. as the same had become insolvent in 2017, the petitioner shall furnish the actions taken prior to subject insolvency for delay in execution of works and also furnish the complete letter of award issued to M/ s Era Infra Engineering Ltd, including pages 4 to 7 of subject letter of award.*
- (h) *The reasons for determining minimum guaranteed boiler efficiency at 91.24 % BMCR instead of 100 % BMCR and all clauses of tender documents associated with boiler efficiency, including penalty clause associated with the deterioration of 0.1 % of Boiler efficiency. Further, shall furnish the complete PG test report, including pages 2 to 5 and the parameters of coal i.e. ash content, moisture, hydrogen and HHV considered in the determination of boiler efficiency.*
- (i) *The reasons for claiming very high (50 times) power charges in few years w.r.t other years and detailed break up of power charges claimed of Rs. 7857.46 lakh, 6653.78 lakh, 4329.83 lakh, 4080.56 lakh, 3885.78 lakh and 6570.76 lakh claimed in 2010 – 11, 2013 – 14, 2014 – 15, 2015 – 16, 2016 – 17 and from COD of unit 3 to COD of unit 4, respectively along with actual energy consumed from the grid in each of these years.*
- (j) *The reasons for receiving coal at the R & D yard instead of the unloading point and additionally claiming diesel charges from the R & D yard to the unloading point. In this regard, the schematic diagram of railway siding, clearly indicating the R & D yard and unloading point, shall be furnished.*
- (k) *The details of penalties paid, if any, claimed as part of the claimed capital cost.*
- (l) *Procedure and calculation of apportionment of unit-wise actual/normative IDC.*
- (m) *Report of Designated Agency on vetting of Capital Cost.*
- (n) *Whether any duty drawback/exemption has been availed of ? If yes, the details thereof.*
- (o) *Details of Local Area Development Expenses (LAD) and Government Notification related to it, if any.*
- (p) *ITR documents w.r.t 2019-20, 2020-21, 2021-22 and 2022-23.*
- (q) *Documents relating to Interest charged w.r.t actual IDC as well as the actual interest rate on loan. Documentary evidence for year-wise variation in the interest rate, if any.*



(r) The excel soft copy of RCE i.e. Annexure D of rejoinder dated 4.7.2023.

3. The Respondents are permitted to file their replies, on the above, on or before **26.2.2024**, after serving a copy to the Petitioner, who may thereafter file its rejoinder, if any, till **11.3.2024**.
4. The matter will now be listed for hearing on **22.3.2024**.

By order of the Commission

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

