

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 59/GT/2022**

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

Petitioner : Bhartiya Rail Bijlee Company Limited

Respondents : East Central Railway and 2 others

Date of Hearing : **13.12.2024**

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

Parties Present : Ms. Swapna Seshadri, Advocate, BRBCL  
Ms. Ritu Apurva, Advocate, BRBCL  
Shri Karthikeyan Murugan, Advocate, BRBCL  
Shri Prashant Chaturvedi, BRBCL  
Shri Vijendra Singh, BRBCL  
Shri Deep Rao Palepu, Advocate, ECR  
Shri Arjun Agarwal, Advocate, ECR  
Ms. Rohini Prasad, Advocate, Bihar Discoms  
Shri Rajiv Jain, Advocate, Bihar Discoms

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner circulated notes of arguments and made detailed oral submissions on various issues including the time and cost overrun involved in the declaration of the COD of Unit-4 of the project. She accordingly prayed that the Commission may condone the time and cost overrun of Unit-4 and approve the tariff of the project for the period 2019-24.

2. In response, the learned counsel for the Respondent, ECR, and the learned counsel for the Respondent Bihar Discoms referred to their replies and made detailed oral submissions objecting to the prayer of the Petitioner for condonation of the delay on the ground that the factors involved were (i) controllable; and (ii) no proper justification has been furnished in support of the same. They also submitted that the Commission may accordingly undertake a prudence check of the information furnished by the Petitioner. The learned counsel for the Petitioner, however, clarified the objections raised by the Respondents.

3. The Commission, after hearing the parties at length, directed the Petitioner to submit the following additional information, on or before **28.1.2025**, after serving a copy to the Respondents:



- (a) *The actual water and security expenses till 31.3.2024, along with all the supporting documents.*
- (b) *Year-wise and unit-wise, actual ash transportation expenses incurred along with the details of bidding, the quantity of ash transported, distance, vendors of ash transportation, utility to whom ash was supplied, etc., along with revenue realized from Ash Utilization, if any, duly certified by the auditor.*
- (c) *In Form P, the IEDC power charges claimed as on the COD of Unit-4, 1.12.2021 is Rs.348.93 Crore. But, in an affidavit dated 17.4.2024-Annexure-3 (submitted in compliance with the directions in ROP of the hearing dated 6.12.2023), the breakup of the power charges, the total expenditure as on the COD of Unit-4 is Rs. 255.20 Crore. This is to be clarified.*
- (d) *In terms of Regulation 19(6) of IEGC,2023, the Petitioner shall ensure that start-up power charges should not include charges associated with construction activities.*
- (e) *The detailed break-up of Handling and Sampling Charges.*
- (f) *Complete and detailed breakup of Investment Approval and present status of true up petition for the period 2014-19, as it is not explicitly mentioned in Form-5A of the amended petition.*
- (g) *Chronological details of delay corresponding to each delay reason provided for time over-run vis-à-vis the SCOD and actual COD of Unit-4 clearly specifying the effective time over-run against each delay reason and number of overlapping delay days along with the date of start of delay affected due to each delay reason and the date when said delay was resolved. The Petitioner shall also furnish a break up of capital cost claimed as on 1.4.2019 and as on COD of Unit-4 in the following format:*

<i>Units</i>	<i>Expenditure incurred as on 1.4.2019</i>	<i>Expenditure incurred from 1.4.2019 to COD of Unit-4 (01.12.2021</i>	<i>Expenditure incurred as on COD of Unit-4 (1.12.2021)</i>
<i>Unit-1,2,3(combinedly)</i>			
<i>Unit-4</i>			
<i>Common Facilities</i>			
<i>Total (a+b+c)</i>			

- (h) *Form-F and Form-R, Form-14 (draw down schedule for calculation of IDC and financing charges) if found illegible. All documents/forms shall be legible and submitted along with details of the said annexure in an index.*



- (i) Confirmation that no IDC has been claimed on account of FGD. Also, provide the details of Other Assets (MBOA) and miscellaneous expenses claimed in Form-P with a detailed scope of work and cost break up.
- (j) Clarification as to whether the capital cost related to civil works of FGD is included in the current petition or not, as the same has been claimed in Form-B of the amended petition.
- (k) Details with supporting documents as to whether the injection of infirm power into the grid from Unit-4 is within one year from the date (20.9.2021) of the first grid synchronization of Unit-4 as per regulation 19(2)(b) of IEGC,2023.
- (l) Details with supporting documents as to whether the drawl of start-up power from the grid by Unit-4 is within 15 months prior and one year after the date (20.9.2021) of first grid synchronization of Unit-4 as per regulation 19(2)(a) of IEGC,2023 respectively.
- (m) Appropriate and suitable reply against the query (l) & (o) of the RoP of hearing dated 11.7.2024, auditor certified supporting documents in favour of penalty charges amounting to Rs.64.47 Cr imposed on BRBCL on account of transmission charges due to mismatch and supporting documents to clarify whether the same has already been claimed. The year-wise expenditure of initial spares submitted vide affidavit dated 26.10.2024 shall be re-submitted by segregating the same, year-wise, unit-wise, along with the bifurcation on actual and liabilities basis, which will sum up to accrual basis.

4. The Respondents are permitted to file their replies on the above, on or before **18.2.2025**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **10.3.2025**.

5. The Petition shall be listed for hearing on **20.3.2025**.

**By order of the Commission**

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

