

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 255/MP/2023

Coram:

Shri Jishnu Barua, Chairperson

Shri I. S. Jha, Member

Shri Arun Goyal, Member

Shri P.K.Singh, Member

Date of Order: 13th January, 2024

In the matter of

Application under Regulation 44(6) of CERC (Terms and Conditions of Tariff) Regulations, 2019 for recoupment of under recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the FY 2021-22 in respect of Rangit Power Station.

And

In the matter of

NHPC Limited,
NHPC Office Complex, Sector-33,
Faridabad- 121 003, Haryana.

Vs.

1. The Chairman & Managing Director,
West Bengal State Electricity Distribution Company Ltd,
Vidyut Bhawan (8th Floor)
Block-DJ, Sector-II, Salt Lake,
Kolkata-700 091, West Bengal

2. The Chairman,
Damodar Valley Corporation,
DVC Towers, VIP Road,
Kolkata- 700 054, West Bengal.

3. The Managing Director,
Jharkhand Bijli Vitran Nigam Ltd.
(Formerly Jharkhand State Electricity Board)
H.E.C. Dhruwa, Ranchi- 834 002, Jharkhand

4. The Managing Director,
North Bihar Power Distribution Company Ltd.,
Vidyut Bhawan, Bailey Road,
Patna – 800 001, Bihar.

5. The Managing Director,
South Bihar Power Distribution Company Ltd.,
Vidyut Bhawan, Bailey Road,
Patna – 800 001, Bihar

6. The Chief Secretary,
Department of Power,
Govt. of Sikkim, Kazi Road,
Gangtok-737101, Sikkim

....Respondents

ORDER

The Petitioner, NHPC Limited, has filed the present Petition along with the following prayers:

“(a) The Commission may kindly allow recovery of energy charges amounting to Rs 58.27124 lakh against the shortfall in generation of 3.04 MU, which is beyond control of generating station, in FY 2021-22 as per regulation 44(6) of CERC Tariff Regulations, 2019 as explained in para-IX & X.

(b) The Commission is requested to allow recovery of shortfall in energy charges amounting along with interest as explained in para-XIII.

(c) To allow recovery of shortfall in energy charges along with interest as mentioned in prayer 1 to 2 in six equal monthly installments.

(d) To allow issuance of supplementary bill for recovery of balance shortfall in energy charges directly from beneficiaries after determination of final tariff by the Commission as mentioned in para XII.”

2. The Petitioner, vide its affidavit dated 10.11.2023, has submitted that the Commission, vide Record of Proceedings for the hearing dated 8.12.2023 in Petition No. 164/MP/2023, 166/MP/2023 and 201/MP/2023, had directed the Petitioner to revise the claimed energy charge shortfall due to reasons beyond its control by accounting for overload generation, energy accounted under DSM & revenue would have earned if the energy accounted under DSM would have been scheduled. The Petitioner has further submitted that it has carried out the same

exercise in the present Petition, and the shortfall charges raised by NHPC in the present Petition have been reduced to zero. Accordingly, the Petitioner has sought permission to withdraw the present Petition. The Petitioner has prayed to adjust the filing fees paid in the present Petition against any other Miscellaneous/Review Petition to be filed by the Petitioner in future.

3. The Petition is decided by circulation. In view of the submissions of the Petitioner, the Petitioner is permitted to withdraw the present Petition. However, we are inclined to adjust the filing fees paid in the present Petition in the given facts and circumstances.

4. Accordingly, the Petition No. 255/MP/2023 is disposed of as withdrawn.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(Jishnu Barua)
Chairperson**