

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 111/MP/2021 with IA No. 38/2021**

Subject : Petition under Section 79 of the Electricity Act, 2003 challenging the repeated revision in energy charges claimed by NTPC in relation to the supply of power from the Farakka Super Thermal Power Station.

Petitioner : WBSEDCL

Respondent : NTPC

Date of Hearing : **19.2.2025**

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

Parties Present : Shri Amit Kapur, Advocate, WBESDCL  
Shri Avdesh Mandloi, Advocate, WBESDCL  
Ms. Swapna Seshadri, Advocate, NTPC  
Ms. Ritu Apurva, Advocate, NTPC

**Record of Proceedings**

At the outset, the learned counsel for the Respondent, NTPC, pointed out that the Hon'ble Delhi High Court, vide its judgment dated 30.1.2025 in OMP (Comm) 204/2019 (NTPC v Jindal ITF Ltd & anr) set aside the arbitration award dated 27.1.2019 challenged by NTPC and directed that the BG furnished by the Respondent therein, may be encashed, after the expiry of the statutory period of filing an appeal against the said judgment. Accordingly, the learned counsel for the Respondent, while seeking adjournment in the matter, prayed that it may be granted eight weeks' time to file an additional affidavit, to place on record the developments in the matter. The Commission accepted the request and adjourned the hearing of the petition.

2. The Respondent is permitted to file the additional affidavit, as above, along with the following additional information, on or before **21.4.2025** after serving a copy on the Petitioner:

- (a) *Reasons for change in SHR, Auxiliary Consumption, Landed Cost of Secondary Fuel, etc., for Stages I, II, and III of FTSP, along with supporting documents.*
- (b) *Detailed reconciliation or analysis to justify the variation in the values of GCV furnished by CIL, GCV as billed and GCV as received basis, along with supporting documents.*
- (c) *Justification for the upward revision in 'Other charges' in the revised Form 15 in 2021 for the period from April 2018 to March 2019 to that of the original Form 15, along with supporting documents.*
- (d) *In compliance with the ROP of hearing dated 11.08.2023, the Respondent vide affidavit dated 20.09.2023 at Annexure A has submitted Form-15 for the period from April 2015 to March 2021 in PDF. The Respondent is directed to submit the same in excel with link and formulae.*



- (e) *Whether any credit or debit note has been issued by the Respondent on account of deviation of GCV values or not, if yes, copy of the same and adjustment made thereof.*
- (f) *The revised ECR has been claimed from November,2015 by the Respondent, but the first invoice regarding the same had been raised on 06.12.2019. Whether the claim of the Respondent is barred by limitation or not may be clarified by both parties.*
- (g) *Supporting documents to substantiate the revision in ECR on account of revision of coal prices by CIL, change in cess, duties, freight by Railways, outcome of referee samples, payment of liabilities for inland waterway transport of imported coal.*
- (h) *The month-wise details of ECR bills (Principal as well as LPSC) which have been disputed by the Petitioner for the period under dispute, along with the current status of payment. Also, submit the same in Excel with links and formulae.*
- (i) *Justification with substantive documents for why initially the time taken to measure GCV on a referee sample basis was 4 years.*
3. The Petitioner is permitted to file its reply on the above on before **5.5.2025** after serving a copy to the Respondent, who may file its rejoinder, if any, by **15.5.2025**.
4. The Petition, along with IA, will be listed for hearing on **29.5.2025**.

**By order of the Commission**

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

