

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 289/MP/2024**

Subject : Petition seeking compensation for loss of capacity charge on account of inadequate availability of fuel/gas in terms of Regulation 76 (power to relax) of the CERC (Terms and Conditions of Tariff) Regulations, 2019, in respect of the Agartala gas -based power station.

Petitioner : NEEPCO

Respondent : APDCL and 6 Ors.

Date of Hearing : **29.4.2025**

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

Parties Present : Ms. Poorva Saigal, Advocate, NEEPCO  
Ms. Shirin Gupta, Advocate, NEEPCO  
Shri Ripunjoy Bhuyan, NEEPCO  
Ms. Sisrikhya Dutta, APDCL  
Shri Darshan K. Das, APDCL

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner made detailed oral submissions in the matter and prayed that the relief sought by the Petitioner may be granted.

2. The representative of the Respondent, APDCL, referred to the reply and made detailed oral submissions. She mainly submitted that the fuel arrangement being the responsibility of the Petitioner (generating company) in terms of the GSA, the Respondent discoms cannot be burdened with for the loss of capacity charges, on account of inadequate availability of gas. Accordingly, the representative submitted that the relief prayed for by the Petitioner may not be granted.

3. The Commission, after hearing the parties, directed the Petitioner to furnish the following additional information, on or before **22.5.2025**, after serving a copy to the Respondents:

- (a) *Actual quantity of gas offered by the supplier on a monthly basis, as against the quantity actually received. In case of any difference between the scheduled and received quantities, the Petitioner shall explain the reasons for such difference, supported by relevant documentation and correspondence, including any issues related to pressure, scheduling, or upstream supply constraints.*
- (b) *The provisions under the Gas Supply Agreement (GSA) regarding penalty, compensation, or any other remedy in the event of a short supply of gas by the supplier? The Petitioner shall specify whether such provisions have been invoked during the relevant period, and if not, provide reasons for the same.*



*(c) The relaxation in the Normative Annual Plant Availability Factor (NAPAF) sought by the Petitioner for the entire financial year 2023–24, clearly quantifying the extent of the shortfall attributable to gas unavailability as distinct from other causes.*

*(d) The plausibility/feasibility of a gas storage facility at the generating station.*

4. The Respondents are permitted to file their reply on or before **5.6.2025**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **16.6.2025**.

5. The Petition shall be listed for hearing on **26.6.2025**.

**By order of the Commission**

**Sd/-**

**(B. Sreekumar)**  
**Joint Chief (Law)**

