

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Shri Ashok Basu, Chairman**
- 2. Shri K.N. Sinha, Member**
- 3. Shri Bhanu Bhushan, Member**
- 4. Shri A.H. Jung, Member**

Petition No.5/2005

In the matter of

Seeking relief from excessive rise in per unit charge from the hydro electric projects under NEEPCO mainly Ranganadi & Doyang in post ABT period, regulation over transmission constraints/contingency/natural calamities causing adverse effect on drawal/trading of power and surrendering of share of Doyang HEP, Nagaland.

And in the matter of

Tripura State Electricity Corporation Ltd., Agartala

...**Petitioner**

Vs

1. North Eastern Electric Power Corporation Ltd., Shillong
2. Power Grid Corporation of India Ltd., New Delhi
3. National Hydroelectric Power Corporation Ltd., Faridabad
4. North Eastern Regional Electricity Board, Shillong
5. Assam State Electricity Board, Guwahati
6. Meghalaya State Electricity Board, Shillong
7. Deptt. of Power, Govt. of Arunachal Pradesh, Itanagar
8. Electricity Deptt., Govt. of Manipur, Imphal
9. Power & Electricity Department, Govt. of Mizoram, Aizawl
10. Department of Power, Govt. of Nagaland, Kohima

....**Respondents**

The following were present

1. Shri Dipak Ganguli, CMD, TSECL
2. Shri M. Debbarma, EE TSECL

**ORDER
(DATE OF HEARING : 17.5.2005)**

In the present petition, the petitioner has prayed for the following reliefs:

- (i) To derive a regulation over contingency/transmission constrain/natural calamities etc. for the NER constituents,

- (ii) To consider the effect of ABT in NER with prospective effect for calculation of capacity charge, energy charge etc. from Nov 03 upto 31.3.2004 proportionate with the design energy for the effective period taking into consideration of distribution of monthly design energy available during the year 2004-05 in absence of monthly design energy for the period of November 2003 to March 2004,
- (iii) To issue necessary order to enable surrendering of share from Doyang HEP,
- (iv) The incentive for hydro electric plant also be formulated in the ratio of Primary scheduled energy achieved and design energy of the corresponding month/period in addition to capacity index only as $\{0.65 \times AFC \times (CI_A - CI_N) \times PSE/DE/100\}$ instead of existing formula of $\{0.65 \times AFC \times (CI_A - CI_N)/100\}$

2. The petition is listed for admission. Heard Shri Deepak Ganguli, CMD for the petitioner on admission.

3. So far as the surrender of share from Doyang HEP is concerned, it bears notice that the allocation of power from a generating station is done by the Central Government. Therefore, the petitioner is at liberty to take up the matter with the Central Government for appropriate relief. It is beyond the powers and functions of the Commission under the Electricity Act, 2003 to pass any directions for surrender of share from a generating station. The direction as prayed for cannot be issued.

4. The petitioner has suggested a revised formula for calculation of incentive for the electricity generated from a hydroelectric power generating station. The methodology for computation of incentive has been notified by the Commission in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff), Regulations 2004 published in the official Gazette on 29.3.2004. These regulations were finalised after previous publication and after notice to the stakeholders and the repeated opportunities for hearing. No suggestions for computation of incentive on the lines now suggested were received from any quarters. The regulations have been finalised after detailed deliberations. As proposal made by the petitioner would require amendment of the regulations on terms and conditions of tariff, the relief prayed for is considered to be outside the scope of the present petition and, therefore, cannot be granted.

5. In view of the foregoing discussion, we direct that the petition be admitted for consideration of the remaining two reliefs.

6. The representative of the petitioner has stated that a copy of the petition has already been served on the respondents. The respondents may file their reply to the petition latest by 15.6.2005 with a copy to the petitioner, who may file its rejoinder, if any, by 30.6.2005. List this petition on 12.7.2005.

7. A copy of this order be sent to all concerned.

Sd/-
(A.H. JUNG)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 25th May 2005