

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri R.Krishnamoorthy, Member**
- 3. Shri. V.S.Verma, Member**

Petition No. 148/2008

In the matter of

Approval of provisional tariff of Bhilai Expansion Thermal Power Project, Unit - I (250 MW) from its date of commercial operation till 31.3.2009.

And in the matter of

NTPC SAIL Power Company Private Limited, New Delhi
Vs

...Petitioner

1. Electricity Deptt. Administration of Dadra and Nagar Haveli, Silvassa
2. Electricity Deptt. Administration of Daman & Diu, Daman
3. Chattisgarh State Electricity Board, Raipur
4. Steel Authority of India Ltd, New Delhi

...Respondents

The following were present:

1. Shri J.R. Sikidar, NSPCL
2. Shri D.K.Chaudhuri, NSPCL
3. Shri G.Basu, NSPCL
4. Shri S.V.Shahi, NSPCL
5. Shri M.M.Thakur, NSPCL
6. Shri Ashok Pal, NSPCL
7. Ms. Ragini Advani, NSPCL
8. Shri Tejveer Singh, SAIL
9. Shri S. Mitra, SAIL

**ORDER
(DATE OF HEARING: 12.3.2009)**

This application has been made by the petitioner, NTPC SAIL Power Company Private Limited, for approval of provisional tariff of Unit-I of Bhilai

Expansion Thermal Power Project (hereinafter referred to as “the generating station”) from the date of its commercial operation till finalization of tariff based on audited accounts, in terms of Section 62 read with Section 79 of the Electricity Act, 2003 (hereinafter referred to as “the Act”) and the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 (herein after referred to as “the 2004 regulations”).

2. The petitioner is a joint venture company of NTPC Ltd and Steel Authority of India Ltd (SAIL) having equal equity participation that is , in the ratio of 50:50. The petitioner has acquired certain captive power plants owned by SAIL, which includes the captive power plant at Bhilai with capacity of 74 MW (2x30 MW + 1 x 14 MW). The captive power plant at Bhilai is being expanded by the petitioner by addition of 2 units of 250 MW each. The power generated from the generating station will be consumed to the extent of 51% for captive requirements of SAIL and the balance power is to be supplied to the respondents 1 to 3 in terms of the Power Purchase Agreements entered into between them.

3. The petitioner has filed this application for determination of tariff for the generating station in terms of the 2004 regulations, from the date of commercial operation till finalization of tariff based on audited accounts, as the date of commercial operation of the generating station was expected to be declared in February 2009.

4. It has come to the notice of the Commission that the generating station has been declared under commercial operation with effect from 22.4.2009 and the petitioner has also filed a separate petition for determination of tariff for the generating station from the date of commercial operation, in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as “the 2009 regulations”).

5. As the generating station had not been declared under commercial operation till 31.3.2009, the tariff for the generating station cannot be determined in terms of the 2004 regulations. Hence the present petition for determination of provisional tariff of the generating station in terms of the 2004 regulations has been rendered infructuous. Accordingly, the petition is disposed of as infructuous.

Sd/-
(V.S.VERMA)
MEMBER

Sd/-
(R.KRISHNAMOORTHY)
MEMBER

Sd/-
(Dr. PRAMOD DEO)
CHAIRPERSON

New Delhi, dated the 11th day of May 2009