Petition No. 139/MP/2017

Subject: Petition under Section 79 of the Electricity Act, 2003 read with Regulations 54 and 55 of the CERC (Terms and Conditions of Tariff) Regulations 2014 seeking appropriate relief due to extreme practical difficulty faced by the petitioner in implementing Regulation 30(6) of the said Regulation and directions issued by the Commission in its order dated 25.1.2016 and for consequential directions.

Petitioner: Maithon Power Limited.

Respondents: Tata Power Delhi Distribution Limited & Others.

Petition No. 220/MP/2016

Subject: Petition under Section 79 (1) (f) of the Electricity Act, 2003 seeking adjudication of dispute between West Bengal State Electricity Distribution Company Limited and NTPC Limited and Damodar Valley Corporation relating to over invoicing and recovery of Rs. 1192.67 crore.

Petitioner: West Bengal State Electricity Distribution Co. Ltd. (WBSEDCL).

Respondents: NTPC Ltd. and Others

Petition No. 311/MP/2015

Subject: Petition for appropriate directions restraining the respondent from recovering the energy charge rate strictly in terms of the Tariff Regulations framed by the Commission.


Respondent: NTPC Ltd.

Petition No. 64/MP/2016

Subject: Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 30(7) of CERC (Terms and Conditions of Tariff), Regulations, 2014 seeking adjudication of dispute between petitioners i.e. BSES Rajdhani Power Limited and BSES Yamuna Power Limited with NTPC Ltd.
Petitioner : 1. BSES Rajdhani Power Limited (BRPL)
           2. BSES Yamuna Power Limited (BYPL)

Respondent : NTPC Ltd.

Date of hearing : 21.11.2017

Coram : Shri Gireesh B. Pradhan, Chairperson
       Shri A.K. Singhal, Member
       Shri A.S. Bakshi, Member
       Dr. M.K. Iyer, Member

Parties present : Shri Sanjay Sen, Senior Advocate, TPDDL
                  Shri Ashis Kr. Dutta, TPDDL
                  Shri Uttam Kumar, TPDDL
                  Shri Vishal Vij, TPDDL
                  Shri Pratyush Pandey, TPDDL
                  Shri Amit Kapoor, Advocate, WBSEDCL
                  Shri Jannali Manikala, Advocate, WBSEDCL
                  Shri Tabrez Malawat, Advocate, WBSEDCL
                  Shri Venkatesh, Advocate, MPL
                  Shri Pratyush Singh, Advocate, MPL
                  Shri Vikas Maini, Advocate, MPL
                  Shri M.G. Ramachandran, Advocate, DVC
                  Ms. Anushree Bardhan, Advocate, DVC
                  Shri Pulak Bhattachrya, DVC
                  Shri Pratik Biswas, DVC
                  Shri Buddy A. Ranganadhan, Advocate, BRPL & BYPL
                  Shri Vishal Anand, Advocate, TPDDL, BRPL & BYPL
                  Shri Rahul Kiran, Advocate, BRPL & BYPL
                  Shri Ashutosh K. Srivastava, Advocate, BRPL & BYPL
                  Shri Sameer Singh, Advocate, BYPL & BRPL
                  Shri Sanjay Srivastava, BRPL
                  Shri Kanishk, BRPL
                  Shri Sunil Kakkar, BYPL
                  Shri Haridas Maity, BYPL
                  Shri Anupam Varya, BRPL & BYPL
                  Shri Gagan Swain, BYPL
                  Shri Abhishek Srivastava, BYPL
                  Shri Sitesh Mukherjee, Advocate, NTPC
                  Shri E.P. Rao, NTPC
                  Shri K.K. Sinha, NTPC
                  Shri Shankar Saran, NTPC
                  Shri A. Basu Roy, NTPC
                  Shri Sukhinder Singh, NTPC
                  Shri Pramod Kumar, NTPC
                  Shri Nishant Gupta, NTPC
                  Shri Manoj Kumar Sharma, NTPC
Record of Proceedings

The petitions were listed for hearing along with Petition No. 244/MP/2016.

2. Learned counsel for Damodar Valley Corporation (DVC) submitted that the DVC has been undertaking the measurement of coal by taking sample from the wagon top on manual basis, despite facing serious difficulties in undertaking such measurements from the railway wagon top. Since October 2016, DVC has been pursuing with CIMFR for undertaking such measurement from the railway wagon top. Learned counsel further submitted that Regulation 30 (6) of the 2014 Tariff Regulations provides that Energy Charges are to be calculated on the basis of the GCV on ‘as received basis’ i.e. at the station end and not on the basis of the GCV of coal measured at the loading point at the mine end. DVC has been billing WBSEDCL for Energy Charges based on GCV as Received basis.

3. Learned senior counsel for TPDDL submitted that there is no data from Aravali Power Company Private Limited (APCPL). In response, learned counsel for NTPC submitted that APCPL is not a party to the present petitions and if TPDDL is willing to obtain data from APCPL, it should be implead APCPL as party to the petition.

4. After hearing the learned senior counsel and counsels for the parties, the Commission directed TPDDL to implead APCPL as party to the petition and file revised memo of parties immediately. The Commission directed the parties to file their response, if any and complete pleadings by 31.12.2017.

5. The Commission directed to list these petitions for hearing after disposal of Petition No. 244/MP/2016.

By order of the Commission

Sd/-
(T. Rout)
Chief (Legal)