

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 458/MP/2019**

Subject : Petition under Regulation 31(6) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 read with Regulation 44(8) and 44(7) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the financial year 2017-18 in respect of Chamera-II Power Station.

Petitioner : NHPC Limited (NHPC)

Respondents : Punjab State Power Corporation Limited (PSPCL) and Ors.

**Petition No. 464/MP/2019**

Subject : Petition under Regulation 31(6) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 read with Regulation 44(8) and 44(7) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station during the financial year 2018-19 in respect of Dhauliganga Power Station.

Petitioner : NHPC Limited (NHPC)

Respondent : Punjab State Power Corporation Limited (PSPCL)

Date of Hearing : 18.6.2020

Coram : Shri P. K. Pujari, Chairperson  
Shri I. S. Jha, Member  
Shri Arun Goyal, Member

Parties present : Shri Rajiv S. Dvivedi, Advocate, NHPC  
Shri M. G. Gokhale, NHPC  
Shri R. B. Sharma, Advocate, BRPL  
Shri Himanshu Chauhan, BRPL  
Ms. Megha Bajpeyi, BRPL

**Record of Proceedings**

The matters were listed for hearing through video conferencing.



2. Learned counsel for the Petitioner, NHPC submitted that present Petitions have been filed, *inter-alia*, for recovery of shortfall in energy charges due to shortfall in generation on account of reasons beyond the control of the Petitioner in respect of its Chamera-II and Dhauliganga Power Stations. Learned counsel for the Petitioner requested to issue notice to the Respondents.

3. Learned counsel for the Respondent, BSES Rajdhani Power Limited (BRPL) objected to the admissibility of the Petitions and submitted that the instant Petitions have been filed under Regulation 31(6) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (in short 'the 2014 Tariff Regulations') along with Regulation 44 (8) and 44(7) of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (in short 'the 2019 Tariff Regulations'). Since the shortfall in generation and the consequent claims of energy charges pertain to the financial years 2017-18 and 2018-19, provisions of the 2019 Tariff Regulations which came into force w.e.f. 1.4.2019, are not applicable in the present cases. He added that Regulation 31(6) of the 2014 Tariff Regulations provides for the treatment in case actual total energy generated by a hydro generating station during a year is less than the design energy. Thus, the contention of the Petitioner for recoupment of under-recovered energy charges due to shortfall in energy generation for reasons beyond the control of generating station is misconceived and the same is without any basis.

4. In response, learned counsel for the Petitioner sought permission to amend the Petitions within two weeks.

5. After hearing the learned counsels for the Petitioner and the Respondent, BRPL, the Commission directed the Petitioner to file the amended Petitions by 3.7.2020. The Commission further directed the Petitioner to serve copy of the amended Petitions on the Respondents immediately. The Respondents were directed to file their reply by 15.7.2020 with advance copy to the Petitioner who may file its rejoinders, if any, by 27.7.2020.

6. The Commission directed that due date of filing of amended Petitions, reply and rejoinder should be strictly complied with.

7. The Petitions shall be listed for hearing in due course for which separate notice will be issued.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Deputy Chief (Law)**

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