

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 116/MP/2019

Subject : Petition under Section 79 (1)(f) of the Electricity Act, 2003 read with CERC Tariff Regulations, 2014 for resolution of disputes regarding payment of capacity charges for the allocated capacity for Muzaffarpur Thermal Power Station (MTPS) Stage – II (2X195 MW).

Petitioner : KBUNL

Respondents : JBVNL and 4 others

Date of Hearing : **8.12.2023**

Coram : Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Ms. Swapna Seshadri, Advocate, KBUNL
Ms. Ritu Apurva, Advocate, KBUNL
Shri Karthikeyan Murugan, Advocate, KBUNL
Shri Saurav Lalhal, KBUNL
Shri Prashant Chaturvedi, KBUNL
Shri Arijit Maitra, Advocate, GRIDCO
Shri Pallav Maitra, Advocate, GRIDCO
Shri Venkatesh, Advocate, DVC
Shri Ashutosh Kumar Srivastava, Advocate, DVC

Record of Proceedings

At the outset, learned counsel for the Respondent DVC submitted that the reply affidavit filed by the Respondent Bihar SLDC, pursuant to the directions of the Commission vide ROP of the hearing dated 10.10.2023, has no clarity on the DC communicated to this Respondent, for the disputed period. He accordingly submitted that the Commission may, if need be, seek specific information from SLDC in this regard.

2. The learned counsel for the Petitioner made oral submissions and pointed out that the relief prayed for by the Petitioner may be granted in terms of provisions of the PPA provisions and the Commission's order dated 9.3.2018 in Petition No. 20/MP/2017, wherein, it was decided that since the sale of power to the beneficiaries is taking place at the bus bar of the generating station, the generating station (the Petitioner herein) is within its right to give Declared Capacity on a daily basis, which shall be taken into account in deciding the fixed charge liability of the generating station in accordance with the Commission's Tariff Regulations.



3. The learned counsel for the Respondent GRIDCO submitted that it has, vide affidavit dated 5.7.2022, placed on record the settlement arrived at between the parties in this matter.

4. In response to the query by the Commission, whether the parties (Respondent DVC and the Petitioner) have explored the possibilities for an amicable settlement of the issues, in the backdrop of the Respondents WBSEDCL and GRIDCO, settling their disputes with the Petitioner, the learned counsel for the Petitioner submitted that except for some consultations, no settlement could be arrived at between the parties. This was also affirmed by the learned counsel for the Respondent DVC. The Commission, however, requested the Petitioner and the Respondent DVC to explore all possibilities for a mutual settlement of the issues and file a report of the said settlement, if any, on or before **5.1.2024**.

5. Failing settlement, as above, the Petitioner and the Respondent Bihar SLDC, shall file the following additional information, after serving a copy to the other, on or before **20.1.2024**:

Petitioner

- (i) *The actions taken including the communication exchanged with SLDC, Patna, along with supporting documents, to address the concern raised by the beneficiaries that declared capacity is not available to them by SLDC or RLDC or Petitioner.*
- (ii) *In view of the communication made by the beneficiaries regarding the unavailability of declared capacities through SLDC, the declared capacity was directly communicated to respondents and efforts were made to supply power on a short-term basis.*

Respondent SLDC

- (i) *The day-wise DC received from the Petitioner during the period from 17.03.2017 to 31.03.2018.*
- (ii) *The day-wise DC communicated to each beneficiary, including Bihar DISCOMs, during the period 18.03.2017 to 31.03.2018 w.r.t. KBUNL Stage II.*
- (iii) *In case, the DC is communicated to only DISCOMs of Bihar but no other beneficiary, reasons for such action and inactions along with relevant provisions of Grid Code of BERC.*
- (iv) *The actions taken to schedule the power subsequent to the issue flagged by the beneficiaries of KBUNL and Petitioner regarding the unavailability of declared capacities to the beneficiaries.*

6. The Respondents/Petitioner are permitted to file their replies/rejoinder (as the case may be) to the aforesaid additional information filed, on or before **9.2.2024**.

6. The Petition shall be listed for final hearing on **16.2.2024**.

By order of the Commission

**Sd/-
(B. Sreekumar)
Joint Chief (Law)**

