

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.175/MP/2020**

Subject : Petition under sections 79 (1) (a) of the Electricity Act, 2003 read with regulation 76 and 77 of the Central Electricity Regulatory Commission (Terms And Conditions of Tariff) Regulations, 2019 and Regulations 111 and 115 of the Central Electricity Regulatory Commission (conduct of business) Regulations, 1999 for relaxation of the provisions of Regulation 42 of the Tariff Regulations, 2019, dealing with the manner of computing the capacity charges effective 1.4.2020 in so far as the gas based generating stations owned and operated by North Eastern Electric Power Corporation Limited.

Date of Hearing : **21.3.2023**

Coram : Shri Jishnu Barua, Chairperson  
Shri I.S Jha, Member  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

Petitioner : NEEPCO

Respondents : APDCL and 8 Ors.

Parties Present : Ms. Poorva Saigal, Advocate, NEEPCO  
Mr. Devapriya Chaudhary, NEEPCO  
Ms. Elizabeth Pyrbot, NEEPCO

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner, NEEPCO mainly submitted as under:

(a) The present petition has been filed seeking relaxation of Regulation 42 of the 2019 Tariff Regulations with regard to the computation and payment of capacity charges differentially during peak season and non-peak season and further, in each season, differentially during peak period and non-peak period of the month, for its gas based generating stations viz., Assam Gas Based Power Plant, Agartala Gas Turbine Combined Cycle Power Plant and Tripura Gas Based Combined Cycle Power Plant.

(b) Pursuant to the notification of the above regulations, the Petitioner had approached its Fuel Suppliers (viz, GAIL, ONGC and OIL) to supply gas at variable flow rates, as required under the said regulations. However, the fuel suppliers had expressed their inability, on the ground that there was no provision in the Gas Supply Agreement and/or the upstream contracts for varied supply of gas.



(c) The issue was also raised by the Petitioner, before NERPC in the 160<sup>th</sup> Operation Co-ordination Committee (OCC) held at Guwahati on 4.9.2019, wherein, the Petitioner was requested to approach this Commission for relief.

(d) The Petitioner is therefore not in a position to control the flow of gas at differential quantum from the gas suppliers at different period and cannot also arrange the utilization of gas in a manner to have different generation during peak hours/season in comparison to non-peak hours/seasons.

(e) The Commission may, in the facts and circumstances of the present case, exercise its powers to relax to exempt the three-gas based generating stations from the application of Peak/Off Peak operation, as provided under Regulation 42 of the 2019 Tariff Regulations, which was made effective from 1.4.2020.

3. On a specific query by the Commission as to the steps taken by the Petitioner, the learned counsel for the Petitioner referred to the letters addressed by it to the Fuel Suppliers and the response letters received from the fuel suppliers, expressing their inability to provide variable flow rate of gas supplied.

4. Accordingly, the Commission 'admitted' the matter, and directed issuance of notice to the Respondents.

5. The Commission also directed the Petitioner to file the following additional information, on or before **14.4.2023**, after serving copy to the Respondents:

(a) *Details of the variation in gas supply during peak and off-peak hours, along with reasons if any;*

(b) *Whether NAPAF is being achieved by the Petitioner during off-peak hours? If no, the reasons thereof;*

(c) *Details of the gas procured or tied up under Non-APM, if any.*

5. The Respondents are permitted to file their replies on or before 5.5.2023, after serving the copy to the Petitioner, who may file its rejoinder, if any, by 15.5.2023. The parties shall ensure the completion of pleadings within the due dates mentioned and no extension of time shall be granted.

6. The Petition shall be listed for hearing on **25.5.2023**.

**By order of the Commission**

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

