

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 245/MP/2021

Subject : Petition or approval of input price of coal supplied from Dulanga mine for the period from date of commercial operation i.e. 1.10.2020 to 31.3.2024.

Petitioner : NTPC

Respondents : BSPHCL and others

Date of Hearing : **9.10.2023**

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

Parties Present : Ms. Nikita Choukse, Advocate, NTPC
Shri Raj Kumar Mehta, Advocate, GRIDCO
Ms. Himanshi Andley, Advocate, GRIDCO

Record of Proceedings

At the outset, the learned counsel for the Respondent, GRIDCO prayed for a short adjournment, on the ground that certain important matters of his, are listed before the APTEL for hearing. The learned counsel for the Petitioner did not oppose the said request of the Respondent. Accordingly, the Commission, accepted the request of the learned counsel for the Respondent, GRIDCO and adjourned the hearing of the matter.

2. Meanwhile, the Petitioner is directed to submit the following additional information along with a soft copy (excel sheet with links and formula), revised tariff forms (submitted vide dated 2.8.2023), on or before **10.11.2023**:

- a) *Agreement signed with MDO submitted to the Commission is incomplete, the Petitioner is directed to submit the complete agreement signed with MDO, including from pages 98 to 190 and in addition, the petitioner shall furnish a detailed index for the documents submitted;*
- b) *References and annexures mentioned in the letter of award dated 9.2.2017.*
- c) *Reasons for claiming IWC, in spite of mine being developed in MDO mode.*
- d) *Auditor certified detailed break up year wise O&M charges claimed.*
- e) *Auditor certified head wise break up of opening capital claimed in the Petition as on COD i.e. 73061.41 lakh.*
- f) *Reasons along with supporting documents for claiming sampling and analysis charges under O& M in spite of the clause "The mine operator shall bear all costs related to sampling and analysis" in the agreement signed with MDO.*

- g) *Detailed information regarding the scope of works awarded to MDO based on the competitive bidding and the scope of works assigned to MDO, subsequent to the selection of bidder, along with criteria followed in such case.*
- h) *Scope of works under owner, the facilities provided by owner and facilities created by MDO.*
- i) *Reasons and rationality along with supporting documents for retrospective declaration of COD of mine as 1.10.2020 vide letter dated 6.4.2021 and the prior intimation made to beneficiaries in terms of Regulation 5(3) of 2019, Tariff Regulations.*
- j) *Year wise envisaged stripping ratio, OB removal, revised coal production targets, actual coal production, actual stripping ratio, actual OB removal, actual stripping ratio associated with open cast mining, impact of change in stripping ratio on the mining fee from 2020–21 to 2022–23.*
- k) *Coal India's notified rates during the period 2020–21 to 2023–24 for the same grade of coal of instant mine.*
- l) *The milestones considered in investment approval along with supporting documents and the milestones specified in award / agreement with MDO.*
- m) *The auditor certified year wise payment made to MDO, particularly, mentioning the escalation rate considered, the LD recovered and a penalty from MDO on account of deviation in production of coal / scope of works and the adjustment of such charges.*
- n) *In regards to additional capitalizations claimed and general justification provided thereof, the appropriate justification, including the scope of work, purpose of such work etc, w.r.t. to each claim.*
- o) *Auditor certified year wise non-tariff income and expenses incurred on OB removal, shortfall in OB removal, adjustments made thereof etc, from 2020–21 to 2022–23.*
- p) *Reasons along with supporting documents for change in the claim w.r.t. heading "Amount Deposited in Escrow Account prior to date of Commercial Operation" under form 17 from Rs. 590.00 lakh to 907.00 lakh. Further, shall furnish the details, including the basis on arriving at it, the amount deposited into the escrow account annually and the 5 % escalation thereof.*
- q) *Detailed computation in arriving at Mining fee and GST on MDO fee.*
- r) *Reasons, along with supporting documents for revision in the coal production information in 2020–21.*
- s) *GCV (EM) of coal as provided by a third party, mine operator and accepted by the owner at the loading end; along with reasons in supporting documents for the difference in GCV of coal from mine (loading) end and generating station (unloading) end.*

3. The Respondents are permitted to file their replies, on or before **30.11.2023**, after serving copy to the Petitioner, who may, file its rejoinder, if any, by **11.12.2023**. The parties shall complete their submissions within the due dates mentioned and no extension of time shall be granted.

4. The Petition shall be listed for hearing on **5.1.2024**.

By order of the Commission

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