

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 59/GT/2022

Subject : Petition for determination of tariff of Nabinagar Thermal Power Project (1000 MW) for the period from 1.4.2019 to 31.3.2024.

Petitioner : Bhartiya Rail Bijlee Company Ltd.

Respondents : East Central Railway and 2 others

Date of Hearing : **18.8.2023**

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

Parties Present : Ms. Swapna Seshadri, Advocate, BRBCL
Ms. Ritu Apurva, Advocate, BRBCL
Shri Anurag Gupta, BRBCL
Shri Deep Rao Palepu, Advocate, ECR
Shri Arjun Agarwal, Advocate, ECR
Ms. Rohini Prasad, Advocate, Bihar Discoms
Shri Deepak Kumar, Advocate, REMCL
Ms. Kanupriya Sharma, Advocate, REMCL

Record of Proceedings

During the hearing, the learned counsel for the Petitioner circulated written submissions and made detailed oral submissions referring to written submissions and pleadings.

2. The learned counsel for the Respondent, ECR opposed the submissions of the Petitioner but could not complete his submissions due to a paucity of time. The matter remains part heard and on the next date of hearing, the Respondents to complete their submissions.

3. The Commission, after hearing the parties, directed the Petitioner to file the following additional information on or before **29.9.2023**, after serving copies to the Respondents:

- (a) *The details of Audited accounts from FY 2019-20 to FY 2022-23 including details of additional capital expenditure, a list of capital spares, costs associated with the primary and secondary fuel, the date of auditing etc., along with supporting documents.*
- (b) *As such, if there is a difference between the form 15 / 15 A submitted with the original petition and that of the amended petition, petitioner shall submit the Audited Form 15 and 15A along with the supporting documents and specific reasons for such revision.*
- (c) *In regard to form 15, shall furnish month wise GCV (EM), moisture, and GCV (TM) at both loading and unloading ends. Further, it shall furnish the GCV and moisture*



allowed in terms of the FSA and credit note received from the coal company for excess moisture and grade slippage and the adjustment made thereto.

- (d) Head wise detailed break up of 'Handling, Sampling and such other similar charges' claimed in form 15 for October, November, and December and also annual charges incurred under such head in financial years from 2018 – 19 to 2022 – 23 along with supporting documents.*
- (e) The land envisaged in investment approval, the land actually acquired as on 31.3.2008, year wise additional land acquired, and the scope of works associated with unacquired land may be shown in a pictorial representation.*
- (f) The detailed fire incident report at BHEL yard, along with the root cause analysis, status of the fire detection and protection system, compliance with relevant regulations of CEA / CERC, and action taken thereon including liquidated damage recovered from the concerned parties.*
- (g) Head-wise, and year-wise detailed break up of Power Charges from 2011 – 12 to 2021 – 22. Further, year wise energy consumed from the grid, energy charges paid for such energy consumption (Start-up power charges), Transmission charges paid to CTU, RLDC charges paid, etc from 2011 – 12 to 2021 – 22 along with supporting documents.*
- (h) Year wise details pertaining to water charges including, water allocated, actual water consumption, actual water charges paid, interest paid if any, minimum Quantity of water to be consumed as per agreement, etc.*
- (i) The NHAI certification for ash transportation quantity, charges claimed, etc, and also the reasons for claiming charges in excess of the agreement made with NHAI, i.e. additional charges in ash transportation for distances lower than 95kms, loading charges greater than 50 / m3 etc.*
- (j) The letter of award issued to U.B. Engineering Ltd. and Era Infra Engineering. Further, the petitioner shall furnish liquidated damages recovered from these entities for various lapses in the execution of works.*
- (k) The year wise detailed break up of security charges claimed linked the same with the Audited accounts.*
- (l) A copy of the performance guarantee test report as submitted by OEM for minimum guaranteed boiler efficiency and parameters of fuel considered thereof, i.e. percentage of ash content, percentage of moisture, percentage of hydrogen, and HHV of fuel.*

4. The Respondents are permitted to file a reply, on or before **6.11.2023**, after serving a copy to the Petitioner, who may thereafter file its rejoinder, if any, till **28.11.2023**.

5. The matter be listed for hearing on **7.12.2023**.

By order of the Commission

Sd/-
(Deepak Pandey)
Assistant Chief (Law)

