

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 240/MP/2022

Coram:

**Shri Jishnu Barua, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri P.K.Singh, Member**

Date of Order: 19th May, 2023

In the matter of

Petition under Section 79(1)(a), (b) & (f) of the Electricity Act, 2003 read with Regulation 17 of CERC (Terms and Conditions of Tariff) Regulations, 2019 owing to completion of 25 years of operations from Commercial Operations Date of NTPC's three (3) Gas Power Stations, namely Anta, Auraiya & Dadri.

And

In the matter of

Tata Power Delhi Distribution Limited,
Hudson Lines, Kingsway Camp,
Delhi-110009

..Petitioner

Vs

NTPC Limited,
NTPC Bhawan, Core-7, Scope Complex,
7, Institutional Area, Lodhi Road,
New Delhi - 110 003

..Respondent

Parties present:

Shri Siddharth, Advocate, TDDDL
Ms. Swapna Seshadri, Advocate, NTPC

ORDER

The Petitioner, Tata Power Delhi Distribution Company Limited has filed the present Petition for seeking appropriate orders/directions to Respondent, NTPC Limited, in view of its refusal to comply with the provisions of Regulation 17 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 by failing to provide a suitable arrangement in respect of its Anta, Auraiya and Dadri Gas Power Stations which have already completed 25 years of

operation from their respective commercial operation date. The Petitioner has filed the present Petition with the following prayers:

- “(a) Admit the present Petition;*
- (b) Declare that the action of the Respondent NTPC in refusing to provide a suitable arrangement in terms of Regulation 17 of the 2019 Tariff Regulations, in respect of Anta, Auraiya & Dadri Gas Power Stations, by its letters dated 21.03.2022 and 10.05.2022 is illegal;*
- (c) Set aside the letters dated 21.03.2022 & 10.05.2022 issued by the Respondent NTPC to the Petitioner TPDDL;*
- (d) Set aside the invoices raised by the Respondent NTPC with respect to the Anta, Auraiya w.e.f. 07.03.2022 and Dadri Gas stations w.e.f 31.03.2022 and direct NTPC to refund the amount of Rs.21.66 Crore along with carrying cost;*
- (e) Declare that the Petitioner is neither liable to schedule any power nor bear any associated costs in form of fixed charges, energy charges or otherwise towards NTPC’s Anta and Auraiya Gas Stations w.e.f 07.03.2022 and Dadri Gas Station w.e.f 31.03.2022;*
- (f) Declare that the Petitioner TPDDL is absolved from performing any obligations as beneficiary in respect of the 3 Gas Stations of NTPC viz. Anta, Auriya and Dadri in terms of PPA dated 8.5.2008 read with SPPA dated 12.03.2012;*
- (g) Pass an order restraining the Respondent NTPC from:
 - (i) scheduling any power to the Petitioner TPDDL;*
 - (ii) raising any bills on the Petitioner TTPDDL;*
 - (iii) invoking the consolidated Letter of Credit; and*
 - (iv) levying late payment surcharge on the Petitioner, in respect of the Anta, Auraiya & Dadri Gas Power Stations.**
- (h) Pass any other order(s) that this Commission may deem fit.”*

2. The case was called on for hearing on 15.5.2023. During the course of hearing, the learned counsel for the Respondent submitted that the Hon’ble Supreme Court in Civil Appeal No.1877/2022 (NTPC v CERC & ors) & batch, has stayed the operation of the judgment and order dated 8.2.2022 of APTEL in Appeal Nos.239 & 240 of 2021 and requested that the present Petition be disposed of in

line with the Commission`s recent order dated 3.5.2023 in Petition No. 256/MP/2022 (Punjab State Power Corporation Limited Vs. NTPC Limited) in which similar reliefs have been sought.

3. On a specific query by the Commission, as to whether the present Petition should be kept pending, in view of the interim order of the Hon`ble Supreme Court, the learned counsel for the Petitioner, sought withdrawal of the Petition, with liberty to approach the Commission, if need be, based on the final decision of the Hon`ble Supreme Court, in the aforesaid Civil Appeals. He also prayed that the filing fees deposited by the Petitioner, for this petition, may be adjusted, in future.

4. Considering the submissions of the learned counsels of the Petitioner and Respondent, the prayer for withdrawal of the Petition is allowed. Accordingly, the Petition is disposed of as withdrawn. The Petitioner is, however, granted liberty to file fresh Petition, if any, based on the final decision of the Hon`ble Supreme Court, in the aforesaid Civil Appeals. The filing fees deposited by the Petitioner in respect of this Petition, shall be adjusted against the petition to be filed by the Petitioner, in terms of the liberty granted as above.

5. In view of above, Petition No. 240/MP/2022 stands disposed of as withdrawn.

**Sd/-
(P.K.Singh)
Member**

**sd/-
(Arun Goyal)
Member**

**sd/-
(I.S. Jha)
Member**

**sd/-
(Jishnu Barua)
Chairperson**