

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 60/MP/2022

Subject : Petition for approval of input price of coal supplied from Pakri Barwadih mine for the period from date of commercial operation i.e. 1.4.2019 to 31.03.2024

Date of Hearing : **28.6.2022**

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

Petitioner : NTPC Limited

Respondents : BSPHCL & 43 ors.

Parties present : Shri Anand K. Ganesan, Advocate, NTPC
Ms. Swapna Seshadri, Advocate, NTPC
Ms. Ritu Apurva, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, BSPHCL
Ms. Shikha Sood, Advocate, BSPHCL
Ms. Shrishti Khindaria, Advocate, BSPHCL
Ms. Preeti Kumari, BSPHCL
Shri Anurag Naik, MPPMCL
Shri Anoop Jain, Advocate, MSEDCL
Shri Akshay Goel, Advocate, MSEDCL
Shri Dinesh H. Agarwal, MSEDCL
Shri S. Vallinayagam, Advocate, TANGEDCO
Ms. B. Rajeswari, TANGEDCO
Ms. R. Ramalakshmi, TANGEDCO
Ms. R. Alamelu, TANGEDCO

Record of Proceedings

The case was called out for virtual hearing on 'admission'.

2. The learned counsel for the Petitioner, NTPC submitted that Pakri Barwadih coal mine block was allocated to the Petitioner by the Ministry of Coal, GOI as basket mine and the Petitioner has taken up the project under Mine Developer cum Operator (MDO) mode. The learned counsel also pointed out to issues relating to (i) declaration of commercial operation, (ii) delay (iii) calculation of input price (iv) mining fee and (v) adjustment of input price based on actual shipping ratio.

3. The learned counsel for Respondents BSPHCL, Respondent TANGEDCO and Respondent MSEDCL accepted notice and sought time to file their reply. The learned counsel for the Petitioner requested for time to file its rejoinder to the said reply of the Respondents.



4. The Commission 'admitted' the petition and directed for issuance of notice to the Respondents. The Commission also directed the Petitioner to file the following additional information by **21.7.2022**, after serving copy to the Respondents:

(a) Detailed reasons for claiming road transportation charges and capital cost for the development of infrastructure towards transportation, while the same are within the scope of MDO;

(b) Details regarding the road transportation carried out including bidding, successful bidders, award of contract, transportation charges, Scheduled Rate for coal in Jharkhand etc;

(c) Details regarding the selection of MDO i.e. through nomination basis or open competitive bidding. In case of nomination basis, the supporting documents exempting the Petitioner from competitive bidding and in case of competitive bidding, the bidding document.

(d) All assumptions i.e. quantity of coal production, cost mining, cost of transportation etc considered in determining estimated base mining price along with detailed break up to various scope of works of MDO and reasons for higher base mining fee w.r.t. other coal mines.

(e) A copy of complete agreement signed with MDO and Detailed Letter of Award (DL oA) issued to MDO.

(f) The PERT / CPM chart approved by Govt. of India for various milestones associated with mine development and actual date of achievements thereof and detailed justification along with supporting documents for deviations in time and cost (time over run and cost overrun), if any.

(g) A copy of Mining Plan approved by the Ministry of Coal, Govt. of India.

(h) Month wise quantity of coal produced from Date of Production of Coal to COD and the input cost, GCV, coal supplied etc thereof (excel sheet).

(i) Details regarding the quantity, GCV received and landed cost of coal produced after COD and how much quantity is supplied to which plant of NTPC.

(j) Basis for envisaged year wise O & M expenses during the 2019-24 tariff period.

(k) The conditions considered for declaration of COD of Pakri Barwadih mine and date of achieving 25 % of peak rated capacity of mine.

(l) Audited and certificated balance sheet of subject mine from its inception to COD.

(m) The reasons for considering lower annual coal production than peak rated capacity of mine.

(n) Details regarding the consideration of Rs. 400 / ton as GST compensation in computation of input coal price.

5. The Respondents shall file their replies by **5.8.2022**, after serving copy to the Petitioner, who may file its rejoinder, if any, by **16.8.2022**. Pleadings shall be completed by the parties, within the due dates mentioned and no extension of time shall be granted for any reason.



6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

