

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 216/GT/2019

Coram:

**Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member**

Date of Order: 15th March, 2024

In the matter of

Petition for approval of generation tariff of Nabinagar STPS Stage- I (1980 MW) for the period from actual COD of Unit-1 (6.9.2019) till 31.3.2024.

And

In the matter of

NTPC Limited,
NTPC Bhawan, Core-7, Scope Complex,
7, Institutional Area, Lodhi Road, New Delhi - 110003

...Petitioner

Vs

1. Bihar State Power Holding Company Limited,
Vidyut Bhawan, Bailey Road,
Patna - 800001
2. North Bihar Power Distribution Company Limited,
Vidyut Bhawan, Bailey Road
Patna 800001
3. South Bihar Power Distribution Company Limited,
Vidyut Bhawan, Bailey Road
Patna 800001
4. Jharkhand Bijlee Vitaran Nigam Limited,
Engineering Building, HEC Township, Dhurwa,
Ranchi – 834004
5. Power Department,
Govt. of Sikkim, Kazi Road, Gangtok,



Sikkim -737101

6. Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14, Ashok Marg
Lucknow – 226001

...Respondents

Parties Present:

Ms. Swapna Seshadri, Advocate, NPGCL
Ms. Ritu Apurva, Advocate, NPGCL
Ms. Neelam Singh, Advocate, NPGCL
Shri M. Karthkeyan, Advocate, NPGCL
Ms. Nilantika Banerjee, NPGCL
Shri Prashant Chaturvedi, NPGCL

ORDER

Petition No. 216/GT/2019 has been filed by the Petitioner, Nabinagar Power Generating Company Limited (NPGCPL) on 25.7.2019, for approval of generation tariff of Nabinagar STPS Stage-I (3 x 660 MW) (in short 'the Project / Generating station) based on anticipated COD of Unit-I (1.8.2019) till 31.3.2024, in terms of the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (in short 'the 2019 Tariff Regulations'). Since Unit-I was declared under commercial operation (COD) on 6.9.2019, the Petitioner filed an amended Petition vide affidavit dated 30.7.2021, based on the audited capitalization as on actual COD (6.9.2019) of Unit-1 and the estimated capital expenditure as on COD of Unit-2 (23.7.2021) and anticipated COD of Unit-3 (31.12.2021) till 31.3.2024. During the pendency of the Petition, the Petitioner NPGCPL, which was earlier a Joint Venture Company of NTPC and the Bihar Government, completely merged with NTPC, with effect from 1.4.2022.



2. The Respondents UPPCL and BSPHCL (Bihar Discoms) have filed their replies to the Petition. Pursuant to the hearing of the Petition on 19.5.2022, the Petitioner was directed to file certain additional information after serving copies on the Respondents and for completion of pleadings by the parties. In response, the Respondents BSPHCL and UPPCL have filed their replies, and the Petitioner has filed its rejoinders to the replies of the said respondents.

3. The Petition was thereafter heard on 6.9.2022, and the Commission, after hearing the parties, reserved its order in the Petition, subject to the Petitioner filing certain additional information and after serving copies on the Respondents. The Petitioner has filed the additional information vide affidavit dated 30.11.2022.

4. Since the order in the present Petition could not be issued prior to one Member of this Commission, who formed part of the Coram demitting office, this Petition was relisted and heard on 6.2.2024. During the hearing, the learned counsel for the Petitioner submitted that since Unit-2 and Unit-3 of the generating station had achieved COD on 23.7.2021 and 1.6.2022, respectively, it had filed Petition No. 2/GT/2024 seeking determination of tariff of the generating station, based on the actual audited expenditure incurred as on actual COD of Unit-2 and Unit-3 along with the projected additional capital expenditure till 31.3.2024 and the same is pending. She accordingly submitted that the present Petition may be disposed of after granting liberty to the Petitioner to amend Petition No. 2/GT/2024 to include the claims of Unit-1 made in the present Petition.

5. None appeared on behalf of the Respondents despite notice.



6. We have considered the submissions of the learned counsel for the Petitioner. As stated earlier, the present Petition has been filed for the determination of the tariff of the generating station, based on the actual COD of Unit-1 and the anticipated COD of Units 2 and 3 till 31.3.2024. Keeping in view that Units 2 and 3 have achieved COD on 23.7.2021 and 1.6.2022, respectively, we consider it just and proper to dispose of the present Petition after granting a liberty to the Petitioner to amend Petition No. 2/GT/2024 by including the claims/figures of Unit-1 from the present Petition.

7. Accordingly, the Petitioner is directed to amend Petition No.2/GT/2024, taking into account the claims/figures made in respect of Unit-I in the present petition, and to file the same by **24.4.2024** after serving copies on the Respondents. The Respondents are permitted to file their replies on or before **10.5.2024**, after serving a copy to the Petitioner, who may file its rejoinder, if any, by **20.5.2024**. Pleadings shall be completed by the parties within the due dates mentioned above. Petition No. 2/GT/2024 will be listed for hearing on **13.6.2024**.

8. The instant Petition No. 216/GT/2019 stands disposed of in terms of the above.

Sd/-
(Pravas Kumar Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(Jishnu Barua)
Chairperson

