

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 122/MP/2021

Subject : Petition under Section 79(1)(f) read with Section 79 (1)(b) and 79(1)(c) of the Electricity Act, 2003 seeking adjudication of disputes between Tata Power Delhi Distribution Limited and Pragati Power Corporation Limited, (Pragati Unit-III, 1371 MW Power Plant-Bawana) regarding forceful power scheduling and consequent violation of order

Petitioner : Tata Power Delhi Distribution Limited

Respondents : Pragati Power Corporation Limited & 7 ors.

Date of Hearing : **17.9.2021**

Coram : Shri P.K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties Present : Shri Anand Kumar Shrivastava, Advocate, TPDDL
Ms. Anju Thomas, Advocate, TPDDL
Ms. Shefali Sobti, TPDDL
Ms. Poorva Saigal, Advocate, PPCL
Shri Shubham Arya, Advocate, PPCL
Shri R.K. Yadav, PPCL
Shri Hasan Murtaza, Advocate, BYPL & BRPL
Shri Sameer Sharma, Advocate, BYPL & BRPL

Record of Proceedings

Case was called out for virtual hearing on 'admission'.

2. During the hearing, the learned counsel for the Petitioner, TPDDL submitted that present petition has been filed for adjudication of dispute between the Petitioner and the Respondent No.1 PPCL, wherein, under the directions of Respondent No.2, SLDC, the Bawana Power Plant of Respondent No.1 is generating power by using expensive Regasified Liquefied Natural Gas (in short 'RLNG') and not restricting itself to one unit as mandated by the Hon'ble Supreme Court in its orders dated 5.2.2018 and 26.7.2018 in Writ Petition (Civil) No. 13029/1985 (M.C. Mehta v Union of India & ors). He also submitted that the Hon'ble Supreme Court in the said order had directed the Gas Authority of India Limited (GAIL) to provide consistent supply of 1.564 MMSCMD of APM gas, without cut to the said plant of the Respondent No.1. The learned counsel for the Petitioner further submitted that the Bawana Power Plant can generate around 320 MW power by utilizing around 1.564 MMSCMD as per directions of the Hon'ble Supreme Court, but SLDC has been misinterpreting the said orders and has been directing the plant to generate in the range of 480 MW to 500 MW, on the pretext that some minuscule quantum out of 1.564 MMSCMD of APM gas remains unutilized. The



learned counsel added that scheduling of power beyond 320 MW by using RLNG has put additional burden of Rs 500 crore on the beneficiaries of the plant, when there is no demand for the same.

3. On a specific query by the Commission as to the understanding between the parties with regard to the usage of the term 'Unit-1' in the Hon'ble Supreme Court's order and the quantum of power scheduled by SLDC to the Petitioner, the learned counsel referred to the SLDC portal and submitted that Unit-1 (in combined cycle) would generate around 324 MW. He further submitted that SLDC was earlier scheduling 500 MW and above to the Petitioner, but from 20.5.2021, around 300 MW from Unit-1 is being scheduled by SLDC.

4. The learned counsel for the Respondent No.1, PPCL pointed out that the respondent has been declaring availability on the basis of APM gas and RLNG, as per the Tariff Regulations notified by the Commission. She also submitted that the understanding between the parties, the Minutes of the meeting and the affidavits filed in the proceedings before the Hon'ble Supreme Court, refer to the usage of the term 'Block/Module-1' (which comprises of 2 GT and 1 ST units), instead of Unit-1. The Commission directed the learned counsel to place on record, the copies of the said documents.

5. The learned counsel for the Respondents BRPL and BYPL prayed for grant of time to file reply in the matter.

6. The Commission 'admitted' the petition and directed to issue of notice to the parties. The Respondents shall file their reply on or before 8.10.2021, after serving copy to the Petitioner, who shall file its rejoinder, if any, by 22.10.2021.

7. The Respondent No.1 PPCL shall furnish copy of the documents (affidavits etc.) filed by the parties before the Hon'ble Supreme Court, relating to orders dated 5.2.2018 and 26.7.2018 in Writ Petition (Civil) No. 13029/1985.

8. The Respondent SLDC is directed to submit the following additional information, after serving copy to the Petitioner/ Respondents:

(a) *Quantum of power scheduled from Bawana Plant during the period of dispute, keeping in view the orders dated 5.2.2018 and 16.7.2018 of the Hon'ble Supreme Court;*

(b) *Letter addressed to the Respondent No.1 PPCL, directing generation of power in the range of 480 MW to 500 MW.*

9. The documents/ information sought in paragraph 7 and 8 above shall be filed by 8.10.2021. The petition shall be listed for hearing in due course for which separate notice will be issued to the parties.

By order of the Commission

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

