

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION
BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

Case No. HERC/Petition no 22 of 2023

Date of Hearing: 26.04.2023

Date of Order : 28.04.2023

In the Matter of

Petition under Section 86(1)(b) of the Electricity Act, 2003 read with the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2019 seeking source approval for power allocated by Ministry of Power (MoP) from the unallocated pool of Central Generating Stations (CGSs) of Northern Region, during summer season, in view of revised NRPC Allocation memo dated 23.03.2023.

Petitioner

Haryana Power Purchase Centre

Present on behalf of the Petitioner

Ms. Sonia Madan, Advocate

Quorum

**Shri R.K Pachnanda
Shri Naresh Sardana**

**Chairman
Member**

ORDER

Facts of the case

1. The present petition has been filed on 05.04.2023 by Haryana Power Purchase Centre for power allocated by Ministry of Power (MoP) from the unallocated pool of the Central Generating Stations (CGSs) of Northern Region, during summer season, in view of revised NRPC (Northern Regional Power Committee) Allocation memo dated 23.03.2023.
2. The details of the petition filed is reproduced as under: -
 - i. That the present petition is being filed by Haryana Power Purchase Centre (hereinafter referred as "HPPC" for the sake of brevity) through the Chief Engineer, HPPC who is authorized to file the instant petition and is well conversant with the facts of the present case. The petitioner is seeking approval for procurement of additional power from the Central Generating Stations of North.

- ii. That HPPC has been constituted under orders of the Government of Haryana vide notification dated 11.04.2008 and acts as single buyer model for performing the function of arranging Short Term and Long-Term Power on behalf of distribution licensees of Haryana, i.e., Dakshin Haryana Bijli Vitran Nigam Limited (hereinafter referred as “DHBVNL” for the sake of brevity) and Uttar Haryana Bijli Vitran Nigam Limited (hereinafter referred as “UHBVNL” for the sake of brevity).
- iii. That the petitioner had earlier filed a petition before the Hon’ble Commission (Petition no. 9 of 2023) seeking approval of source and permission to schedule power for procurement of 179MW from NTPC’s Dadri- Stage I Thermal Power Plant, allocated by MoP vide order dated 28.10.2022, for a period of 6 months w.e.f.01.04.2023 at CERC regulated tariff. It was additionally prayed that approval may be granted to procure unallocated pooled power from the Central Generating stations(CGSS) of Northern Region for the period from 01.04.2023 to 30.09.2023, in the event of allocation of the same by the Ministry of Power.
- iv. That the Hon’ble Commission vide order dated 16.02.2023 in Petition no. 9 of 2023 approved procurement of power i.e. 179 MW from NTPS’s Dadri Thermal power plant- Stage-I from 01.04.2023 to 30.09.2023 at CERC regulated tariff as per MoP allocation order dated 28.10.2022. However, as regards prayer of the petitioner for approval for procurement of unallocated pooled power from the Central Generating Station of the Northern Region during the period from 01.04.2023 to 30.09.2023, in the event of allocation of same by Ministry of Power, it was observed that ‘allowing HPPC to purchase power without prior approval of the Commission will take the power purchase function of HPPC out of the prudence check of the Commission which will set a bad precedence. However, in case of extreme emergency Discoms may schedule power subject to ex-post facto approval of the Commission giving detailed justification, not later than 15 days thereof.’

A copy of the order of the Hon’ble Commission dated 16.02.2023 referred above is annexed with the petition.
- v. That NRPC vide circular dated 23.03.2023 has intimated that CEA vide letter dated 22.03.2023 has directed to re-allocate power from unallocated pool in CGSS of Northern Region to the State of Haryana for the summer

months of 2023-24 w.e.f. 01.04.2023. Varying share of power from the unallocated pool has been allocated to the State of Haryana for the months of May, 2023 till September, 2023. The schedule of allocation intimated in the circular dated 23.03.2023 is tabulated as under –

STATE/UT MONTH	EXISTING ALLOCATION	ALLOCATION IN PERCENTAGE FOR SUMMER MONTHS					
		APRIL , 2023	MAY, 2023	JUNE, 2023	JULY, 2023	AUGUS T,2023	SEPTEM BER,2023
CHANDIGARH	9.00	14.00	14.00	14.00	14.00	14.00	14.00
DELHI	0.00	13.00	13.00	0.00	0.00	0.00	0.00
HARYANA	0.00	0.00	8.00	12.50	12.50	17.50	20.00
HIMACHAL PARDESH	0.00	0.00	0.00	0.00	0.00	0.00	0.00
UT of J&K and LADAKH	91.00	38.00	20.00	13.50	13.50	13.50	13.50
PUNJAB	0.00	0.00	10.00	30.00	30.00	30.00	30.00
RAJASTHAN	0.00	0.00	0.00	0.00	0.00	0.00	0.00
UTTAR PRADESH	0.00	10.00	10.00	10.00	10.00	10.00	10.00
UTTRAKHAND	0.00	25.00	25.00	20.00	20.00	15.00	12.50
TOTAL	100	100	100	100	100	100	100

A copy of circular dated 23.03.2023 is annexed with the petition.

- vi. That as per the CERC (Terms and Conditions of Tariff) Regulations, 2019, the payment of capacity and energy charge for the unallocated power shall be shared by the beneficiaries. Clause no. 55 (2) of the said Regulations is reproduced here under:

“55(2) Payment of the capacity charge for a thermal generating station shall be shared by the beneficiaries of the generating station as per their percentage shares for the month (inclusive of any allocation out of the unallocated capacity) in the installed capacity of the generating station. Payment of capacity charge and energy charge for a hydro generating station shall be shared by the beneficiaries of the generating station in proportion to their shares (inclusive of any allocation out of the unallocated capacity) in the saleable capacity (to be determined after deducting the capacity corresponding to free energy to home State as per Note 3 herein.”

- vii. That this Hon'ble Commission in its order dated 30.03.2022 in case no. HERC/petition no. 46 of 2021 and case no. HERC / petition no. 47 of 2021 on True- up for the FY 2020-21, annual (mid-year) performance review for the FY 2021-22, aggregate revenue requirement of UHBVNL and DHBVNL and distribution & retail supply tariff for the FY 2022-23 has stated as under:

“In addition to the above and keeping in view the generally surplus power availability scenario prevailing in Haryana, the Commission directs that the Discoms shall not procure any additional power, except 750 MW RTC power approved by the Commission during the months of May 2022 to October 2022, over and above the Quantum approved in the PPA that may be

available to it from the un-allocated share/ Share relinquished by any other State in the Central Generating Power Stations in case it does not fall in the merit order dispatch. The Commission shall disallow all such power procurements and the cost thereto.”

- viii. That Haryana DISCOMs will not violate merit order dispatch principle while scheduling power from the said unallocated share of CGSs to meet the demand of the consumers of the State.
- ix. That the thermal plants across the country are grappling with a coal shortage as the power demand in the Country is steadily increasing, and difficulty is being experienced in bridging the gap between demand and supply because of insufficient coal stocks at the thermal plants.
- x. That Ministry of Power (MoP) vide circular dated 20.02.2023 had issued directions under Section 11 of the Electricity Act, 2003 to all imported coal based plants for use of blended coal for optimum generation. It has been mentioned therein that during the year 2022-2023, India has touched its all time highest electricity demand at about 215 GW. It has been forecasted that the peak demand will reach up to 229 GW during April 2023. A copy of circular dated 20.02.2023 is appended herewith as ANNEXURE P-3.
- xi. That in order to meet the deficit, HPPC has to procure power from the exchange at exorbitant cost. The details of power purchased through Exchange in the last FY 2022-23 are tabulated hereunder for ready reference of the Hon'ble Commission –

Month	Month wise Purchase of quantum during 2022-23		
	Qtm (LU)	Total Cost (Rs. in Lakh)	Landed cost (Rs/ Kwh)
Apr	5619.37	62661.02	11.50
May	5478.38	43433.84	8.20
Jun	5109.66	36327.65	7.35
Jul	2006.17	12064.33	6.22
Aug	3330.85	20577.17	6.40
Sept	4078.20	28938.93	7.31
Oct	274.60	1193.24	4.49
Nov	607.34	3109.81	5.32
Dec	1809.56	11862.33	6.83
Jan	2667.41	22846.18	8.95
Feb	3012.94	22362.93	7.72
Total	33994.47	265377.44	8.08

- xii. As brought out in the ibid Table, power was purchased not only during summer months but also in winter months, therefore, apart from meeting demand of the State, if any surplus power is left, the same will be banked

during the winter months which will further help to bridge the gap between the demand and supply during the next summer months.

- xiii. That HPPC floated tender for procurement of 750 MW RTC power during the months from 01.03.2023 to 15.10.2023 in which the rates discovered are tabulated as under:

Period	Name of Trader	Quantum	Revised Rate after reducing Transmission Charges @ 57 paisa(Rs/ unit)	Weighted Avg. Rate (Rs/ unit)
01-03-2023 to 31-03-2023	Manikaran Power Limited/VS Lignite Power Pvt. Limited	100	6.12	6.46
	Manikaran Power Ltd /Coastal Energen Private Limited	25	6.12	
	Tata Power Trading Company Limited/Jindal Power Limited (JPL)	300	6.12	
	PTC India Limited/JAYPEE NIGRIE Super Thermal Power Plant (JNSTPP)	100	7.42	
	PTC India Limited/JAYPEE BINA Thermal Power Plant (JBTPP)	50	7.42	
	Total Quantum	575		
01-06-2023 to 30-06-2023	Tata Power Trading Company Limited/Jindal Power Limited (JPL)	300	7.20	7.20
	PTC India Limited/JAYPEE BINA Thermal Power Plant (JBTPP)	50	7.20	
	PTC India Limited/JAYPEE NIGRIE Super Thermal Power Plant (JNSTPP)	100	7.20	
	Total Quantum	450		
01-07-2023 to 31-07-2023	Tata Power Trading Company Limited/Jindal Power Limited (JPL)	300	6.70	6.76
	PTC India Limited/JAYPEE BINA Thermal Power Plant (JBTPP)	50	6.70	
	PTC India Limited/JAYPEE NIGRIE Super Thermal Power Plant (JNSTPP)	100	6.70	
	Instinct Infra And Power Ltd/Anuppur Thermal Power Project,	100	6.98	
	Sembcorp Energy India Limited/SEIL own plant	25	6.997	
	Total Quantum	575		
01-08-2023 to 31-08-2023	Manikaran Power Ltd /Coastal Energen Private Limited	50	6.77	6.71
	Instinct Infra And Power Ltd/Anuppur Thermal Power Project, M P	100	6.77	
	Tata Power Trading Company Limited/Jindal Power Limited (JPL)	300	6.67	
	PTC India Limited/JAYPEE BINA Thermal Power Plant (JBTPP)	50	6.67	
	PTC India Limited/JAYPEE NIGRIE Super Thermal Power Plant (JNSTPP)	100	6.67	
	Sembcorp Energy India Limited/SEIL own plant	25	7.017	
	Total Quantum	625		
01-09-2023 to 30-09-2023	Tata Power Trading Company Limited /Jindal India Thermal Power Limited (JITPL)	200	6.91	6.94
	Manikaran Power Ltd /Coastal Energen Private Limited	50	6.91	
	Instinct Infra And Power Ltd/Anuppur Thermal Power Project	100	6.91	
	Tata Power Trading Company Limited/Jindal Power Limited (JPL)	300	6.81	
	Sembcorp Energy India Limited/SEIL own plant	25	7.457	
	PTC India Limited/JAYPEE NIGRIE Super Thermal Power Plant (JNSTPP)	75	7.43	
	Total Quantum	750		
Weighted Average Rate				6.80

The above-mentioned quantum has been approved by HERC vide order dated 16.02.2023. A copy of order dated 16.02.2023 is annexed with the petition.

- xiv. That thereafter, HPPC has floated another tender for procurement of 750 MW RTC power during the months from 01.05.2023 to 15.10.2023 in which the following rates (excluding Transmission charges of 57 paisa) are discovered:

Period	Name of Trader	Name of Trader	Quantum	Rate Discovered (Rs/ unit)	Weighted Avg. Rate (Rs/ unit)
01-05-2023 to 31-05-2023	Tata Power Trading Company Limited	Nava Bharat Venture Limited, IPP, Odisha	25	9.430	10.18
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, CPP, Odisha	25	9.430	
	Tata Power Trading Company Limited	Govt. of Himachal Pradesh	50	9.430	
	Sembcorp Energy India Limited	Sembcorp Energy India Ltd (SEIL), AP	25	10.920	
	PTC India Limited	DB Power Limited, Chhatisgarh	25	12.430	
	Total Quantum		150		
01-06-2023 to 30-06-2023	NTPC Vidyut Vyapar Nigam Limited	IL&FS Tamil Nadu Power Co. Ltd.	140	8.390	8.51
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, CPP, Odisha	50	8.390	
	Sembcorp Energy India Limited	Sembcorp Energy India Ltd (SEIL), AP	70	8.390	
	PTC India Limited	DB Power Limited, Chhatisgarh	50	8.390	
	Tata Power Trading Company Limited	Govt. of Himachal Pradesh	50	8.430	
	Adani Enterprises Limited	Mahan Energen Limited (MEL)	200	8.510	
	PTC India Limited	JSW Energy Limited Karnataka	100	8.930	
	Total Quantum		660		
01-07-2023 to 31-07-2023	Adani Enterprises Limited	Mahan Energen Limited (MEL)	200	7.410	7.46
	PTC India Limited	Simhapuri Energy Limited, AP	150	7.410	
	Manikaran Power Limited	Dhariwal Infrastructure Limited	50	7.410	
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, CPP, Odisha	25	7.410	
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, IPP, Odisha	45	7.410	
	Sembcorp Energy India Limited	Sembcorp Energy India Ltd (SEIL), AP	70	7.410	
	PTC India Limited	DB Power Limited, Chhatisgarh	50	7.410	
	NTPC Vidyut Vyapar Nigam Limited	Adhunik Power & Natural Resources Ltd.	50	7.410	

Period	Name of Trader	Name of Trader	Quantum	Rate Discovered (Rs/ unit)	Weighted Avg. Rate (Rs/ unit)
	Ambitious Power Trading Company Limited	Jindal Power Ltd (JPL)	50	7.450	
	Maharastra State electricity Distribution Co. Ltd.	MSEDCL's Pool Power	60	8.010	
	Total Quantum		750		
01-08-2023 to 31-08-2023	Ambitious Power Trading Company Limited	Jindal Power Ltd (JPL)	100	7.400	7.47
	Sembcorp Energy India Limited	Sembcorp Energy India Ltd (SEIL), AP	70	7.400	
	Manikaran Power Limited	Dhariwal Infrastructure Limited	50	7.400	
	PTC India Limited	Simhapuri Energy Limited, AP	150	7.400	
	Adani Enterprises Limited	Mahan Energen Limited (MEL)	200	7.400	
	NTPC Vidyut Vyapar Nigam Limited	Adhunik Power & Natural Resources Ltd.	50	7.400	
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, IPP, Odisha	45	7.400	
	Maharastra State electricity Distribution Co. Ltd.	MSEDCL's Pool Power	85	8.010	
	Total Quantum		750		
01-09-2023 to 30-09-2023	Ambitious Power Trading Company Limited	Jindal Power Ltd (JPL)	100	7.930	8.00
	Manikaran Power Limited	Dhariwal Infrastructure Limited	50	7.930	
	Adani Enterprises Limited	Mahan Energen Limited (MEL)	200	7.930	
	NTPC Vidyut Vyapar Nigam Limited	Adhunik Power & Natural Resources Ltd.	50	7.930	
	Sembcorp Energy India Limited	Sembcorp Energy India Ltd (SEIL), AP	50	7.930	
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, IPP, Odisha	45	7.930	
	NTPC Vidyut Vyapar Nigam Limited	IL&FS Tamil Nadu Power Co. Ltd.	255	8.130	
	Total Quantum		750		
01-10-2023 to 15-10-2023	Ambitious Power Trading Company Limited	Jindal Power Ltd (JPL)	200	7.930	8.01
	PTC India Limited	Simhapuri Energy Limited, AP	150	7.930	
	NTPC Vidyut Vyapar Nigam Limited	Adhunik Power & Natural Resources Ltd.	50	7.930	
	Tata Power Trading Company Limited	Nava Bharat Venture Limited, IPP, Odisha	45	7.930	
	NTPC Vidyut Vyapar Nigam Limited	IL&FS Tamil Nadu Power Co. Ltd.	305	8.130	
	Total Quantum		750		
Weighted Average Rate					7.96

- xv. That from the above tables of the rate discovered in short term tender, it is anticipated that the rates in upcoming summer season in Exchanges for the short term power will be on the higher side. As such, the power allocated by MoP from the Central Generating Stations will help offset the procurement from Exchange in the upcoming peak season.
- xvi. That it is pertinent to mention that the maximum demand of electricity supply during the Financial Year 2022-2023 was 12687MW. It is expected to increase in summer/paddy season-2023 and peak demand may escalate to approx. 13500 MW during the current year. Considering the availability from all long term sources, Haryana shall face shortage of power during summer/paddy season in the FY 2022-23 to the tune of nearly 2000 MW in various time slots of the day as depicted in Demand-availability scenarios for the FY 2022-23 tabulated here under-

Demand Vs Availability Scenario for FY 2023-24 as on 22.03.2023						
Month	Projected Peak Demand (in MW)	Normative Availability as per PLF (in MW)	Normative Availability without CGPL & FGPP (in MW)	STP Arrangements (NEEPCO/Cross Border Banking, Dadri-I & NIT-102)	Actual Availability (in MW)	Surplus (+)/ Deficit (-) (in MW)
April' 23	9891	9742	8993	282	9275	-616
May' 23	10541	9911	9162	160	9322	-1219
June'23	13360	10691	9942	1088	11030	-2330
July' 23	13431	10709	9960	1504	11464	-1967
Aug' 23	12742	10709	9960	1504	11534	-1208
Sept' 23	12865	10103	9354	1384	10738	-2126
Oct' 23	9730	9086	8337	314	8651	-1079
Nov' 23	7858	9067	8318	78	8396	537
Dec' 23	8441	9067	8318	78	8396	-45
Jan' 24	8814	9339	8590	78	8668	-149
Feb' 24	8648	9400	8651	78	8729	81
March' 24	8428	9423	8674	78	8752	324

- xvii. That in view of the power deficit scenario in the State, the petitioner/HPPC through this petition is requesting the Hon'ble Commission to consider and grant source approval for power allocated by Ministry of Power (MoP) from pool of the Central Generating Stations (CGS) of Northern Region i.e., 1330 MW, during summer season, in view of the revised NRPC Allocation memo dated 23.03.2023, to Haryana as tabulated below:

Month	Allocation in %	In MW
April 23	0.00	0

Month	Allocation in %	In MW
May23	8.00	106.4
June 23	12.50	166.25
July 23	12.50	166.25
August 23	17.50	232.75
September 23	20.00	266

xviii. Prayer: The petitioner has prayed as under:

- a. Grant source approval for power allocated by the Ministry of Power (MoP) from pool of the Central Generating Stations (CGS) of Northern Region, during summer season, in view of the revised NRPC Allocation memo dated 23.03.2023.
- b. Pass any other order(s) and or direction(s), which the Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

Commission's Order:

3. The Commission has perused the petition filed by HPPC and heard the matter on 26.04.2023, as scheduled, in the court room of the Commission. It is noted that the petitioner herein is a nodal agency, notified by the Haryana Government for all matters related to power purchase and trading on behalf of the two distribution licensees viz UHBNL and DHBVNL.
4. The learned counsel, Ms Sonia Madan, appearing for the petitioner, reiterated the contents of the petition. Hence, for the sake of brevity, the same are not being reproduced here. She further submitted that the petitioner had earlier filed a petition on 25.01.2023 (Petition no. 9 of 2023) seeking approval of source and permission to schedule power for procurement of 179MW from NTPC's Dadri- Stage I Thermal Power Plant, allocated by MoP vide order dated 28.10.2022, for a period of 6 months w.e.f.01.04.2023 at the CERC regulated tariff. It was additionally prayed that approval may be granted to procure unallocated pooled power from the Central Generating stations of Northern Region for the period from 01.04.2023 to 30.09.2023, in the event of allocation of the same by the Ministry of Power.

In the above matter, the Commission passed an order dated 16.02.2023 and approved procurement of power i.e. 179 MW from NTPC's Dadri Thermal power plant-Stage-I and with regards to approval for procurement of unallocated pooled power from the CGS of the Northern Region, **it was observed that in case of extreme emergency Discoms may schedule power subject to ex-post facto approval of the Commission giving detailed justification, not later than 15 days thereof.** (emphasis added)

5. Upon hearing the counsel, the Commission notes that the Central Generating Stations/CPSUs in the present case has beneficiaries i.e. States/Discoms for off take of power in accordance with the terms and conditions of the Power Purchase Agreement(s). From the averments of the counsel, it is noted that the CGS/CPSUs have some unallocated share also. Further, the Ministry of Power, Gol/Northern Regional Power Committee (NRPC) revises the allocation from the central pool from time to time. As per the petition, the revision was done by the NRPC vide memo dated 23.03.2023. It has been submitted that allocation is for the summer months of the FY 2023-24 w.e.f 1st April 2023.
6. **In view of the above discussions and in line with the Commission's order dated 16.02.2023 to ensure that the electricity consumers of Haryana get uninterrupted power supply during the summer months, given supply constraints of a few coal/gas based generators with which Haryana has long term PPAs, the Commission grants source approval for power allocated by the Ministry of Power (MoP) from pool of the Central Generating Stations (CGS) of Northern Region, during summer season, in view of the revised NRPC Allocation memo dated 23.03.2023.**

The payment of capacity & energy charge for the unallocated power availed by the Haryana Discoms shall be as per the CERC (Terms and Conditions of Tariff) Regulations, 2019 including the order(s) issued by the Central Commission thereto.

The present petition is allowed.

Accordingly, ordered.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 28.04.2023.

Date: 28.04.2023
Place: Panchkula

(Naresh Sardana)
Member

(R.K. Pachnanda)
Chairman