

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**WEST BENGAL**

**Petition No. OA-362/20-21**

**Date of hearing: 23<sup>rd</sup> September, 2021**

**Time of hearing: 14.30 hours**

**Quorum:**

**Shri Sutirtha Bhattacharya, Chairperson**

**Shri Durgadas Goswami, Member**

**Shri Pulak Kumar Tewari, Member**

**In the matter of**

**Application for removal of difficulties in achieving the normative Station Heat Rate allowed by the Hon'ble Commission for Sagardighi Thermal Power Project, Stage-II of 1000 MW (2X500 MW) capacity in term of regulation 8.10 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended time to time.**

**And**

**In the matter of**

**The West Bengal Power Development Corporation Limited  
Bidyut Unnayan Bhaban  
3/C, LA-Block, Sector-III  
Salt Lake  
Kolkata 700 106.**

**..... Petitioner**

**Representatives attended:**

**The West Bengal Power Development Corporation Limited [Petitioner]**

- 1. Sri Sakya Singha Chaudhuri, Advocate,**
- 2. Ms. Astha Sharma, Advocate,**
- 3. Sri Swapan Kumar Maity, Executive Director (FM & RA)**

### **CASE IN BRIEF**

1. The West Bengal Power Development Corporation Limited (in short 'WBPDCCL') has submitted a petition dated 8<sup>th</sup> February, 2021 in terms of regulation 8.10 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended ("Tariff Regulations") for removal of difficulties in achieving the target station heat rate allowed by the Commission in its tariff order dated 07.07.2017 in respect of Sagardighi generating station, Stage – II of 1000 MW (2X500 MW) capacity of WBPDCCL. Subsequently, WBPDCCL has submitted a supplementary petition dated 17<sup>th</sup> March, 2021 in continuation of the earlier petition dated 8<sup>th</sup> February, 2021.
2. Upon receipt of the petition and supplementary petition, the Commission has decided to hear WBPDCCL and an e-hearing was fixed on 17<sup>th</sup> August, 2021 at 14.30 hours for which notice dated 23/26.07.2021 was issued.
3. In the meantime, WBPDCCL also made an additional submission vide dated 16<sup>th</sup> August, 2021 in supplemental to and in addition to the contents and submissions in the petition and the supplementary petition mentioned hereinabove and requested the Commission to postpone the hearing scheduled. Accordingly, the hearing was re-scheduled on 23<sup>rd</sup> September, 2021. Before the date of hearing, WBPDCCL submitted a further additional submission vide dated 8<sup>th</sup> September, 2021.
4. The hearing was held as scheduled where the representatives from WBPDCCL were present.

### **SUBMISSION DURING HEARING**

- 4.1 At the outset, before proceeding into the merit of the case, the Advocate-on-Record of WBPDCCL submitted that submission of form-3 in terms of regulation 2.10.7 of the WBERC (Conduct of Business) Regulations, 2013 by the Advocates for attending hearing may, perhaps, not be necessary since Vokatnama in favour of the advocate, in question, is being issued by the petitioner. The Commission has taken a note of it, and shall make necessary amendment in this regard.
- 4.2 Ld Advocate, Shri S. S. Chaudhuri narrated the case of WBPDCCL before the Commission. In his submission Shri Chaudhuri inter-alia submitted that, in terms of



paragraph A1 of Schedule 9D of the Tariff Regulations Gross Station Heat Rate (GSHR) of new thermal generating station is required to be computed by multiplying 1.065 with the design heat rate. Shri Chaudhuri submitted that, during amendment of the Tariff Regulations 2013, the Commission has specified the GSHR of Sagardighi Thermal Power Project -phase-II (units III & IV) of WBPDCCL as 2276 kCal/kWh where the multiplying factor 1.065 has not been considered, which may be due to some inadvertent error. It is submitted that, construction of Sagardighi Thermal Plant was followed by 2 stage investment approval of the Commission, where it was intimated that, WBPDCCL received single bid from BHEL with design heat rate of 2322 kCal/kWh and the same was considered by the Commission. After settlement of the coal issues, performance guarantee test of Sagardighi phase-II (unit III & IV) were conducted and SHR as per PG test comes to 2285 kCal/kWh. Accordingly, Shri Chaudhuri prayed before the Commission to allow GSHR of Sagardighi phase-II (unit III & IV) as 2433 kCal/kWh (by applying multiplication factor of 1.065 over the PG test value) in terms of regulation 2.8.1.4.9 of the Tariff Regulations with retrospective effect through a corrigendum to Tariff Regulations (Amendment) 2013. Shri Chaudhuri in his argument mentioned that, norms specified in paragraph A of Schedule-9A are recommended norms. However, the Commission has to determine the norms of operating parameters under regulation 2.8.1.4.9 of the Tariff Regulations on the basis of design performance parameters.

The learned Advocate, in conclusion, observed that, for curing the deficiency as stated above, amendment to the existing tariff regulations might not be required. He suggested that a corrigendum issued by the Commission might serve the purpose.

#### **OBSERVATIONS OF THE COMMISSION**

5. Based on the submission made by the Ld. Advocate of WBPDCCL during the hearing, the Commission observed that there seemed to be some merit on the issue raised by WBPDCCL. However, the Commission observes that the prayers made by the Petitioner in the Principal Petition and the Supplementary Petitions before the Commission are at variance with each other. As such, the Petitioner is required to submit a fresh amended Petition.

6. The Commission directed the petitioner to submit their arguments in writing on the above-mentioned issue.
7. The Commission intends to examine the issue raised by WBPDCCL in details upon receipt of the amended Petition and the written submission by WBPDCCL,

#### **ORDER**

8. The Commission hereby directs the petitioner to submit an amended petition along with their written argument within 10 days from the date of receipt of this order. On receipt of the amended Petition and the written arguments, the Commission will decide on the next course of action.
9. Let a copy of the order be served upon the petitioner (WBPDCCL).

<b>Sd/-</b> <b>(PULAK KUMAR TEWARI)</b> <b>MEMBER</b>	<b>sd/-</b> <b>(DURGADAS GOSWAMI)</b> <b>MEMBER</b>	<b>sd/-</b> <b>(SUTIRTHA BHATTACHARYA)</b> <b>CHAIRPERSON</b>
---	---	---

**DATE: 30.10.2021**

**Sd/-**  
**Secretary**