



सत्यमेव जयते



**ORDER  
OF THE  
WEST BENGAL ELECTRICITY REGULATORY COMMISSION  
IN CASE NO. OA-495/ 24-25**

IN REGARD TO THE APPLICATION SUBMITTED BY WEST BENGAL POWER DEVELOPMENT CORPORATION LIMITED (WBPDCL) SEEKING TIME EXTENSION IN APPOINTMENT OF THIRD PARTY SAMPLING AGENCIES (TPSA) FOR MEASUREMENT OF COAL SAMPLE AT LOADING POINT AND UNLOADING POINT UNDER CLAUSE 1.2.1 (IXA) OF THE WEST BENGAL ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS OF TARIFF) REGULATIONS, 2011 AS AMENDED (UPTO FOURTH AMENDMENT) AND REGULATION AND CLAUSE 8.10 OF (TERMS AND CONDITIONS OF TARIFF) REGULATIONS, 2011 AS AMENDED.

**PRESENT:**

**SRI MALLELA VENKATESWARA RAO, CHAIRPERSON**

**DATE: 01.10.2024**



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In regards to the application submitted by **West Bengal Power Development Corporation Limited (WBPDC)** seeking time extension in appointment of Third Party Sampling Agencies (TPSA) for measurement of Coal Sample at Loading Point and Unloading Point under Clause 1.2.1 (Ixa) of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended (upto Fourth Amendment) and Regulation and Clause 8.10 of (Terms and Conditions of Tariff) Regulations, 2011 as amended.



### Facts in Brief

- 1.0 WBPDC has submitted an application on 14.08.2024, requesting a time extension in appointment of Third-Party Sampling Agencies (TPSA) for measurement of Coal Sample at Loading Point and Unloading Point under Clause 1.2.1 (Ixa) of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended (upto Fourth Amendment) and Regulation and Clause 8.10 of (Terms and Conditions of Tariff) Regulations, 2011 as amended.
- 2.0 In their application, WBPDC inter-alia submitted the followings:
  - 2.1 WBPDC submitted an application on 30.05.2023 seeking removal of difficulties in appointment of Third Party Sampling Agency (TPSA) for measurement of coal at unloading points of power stations of WBPDC. The Commission, considering the prayer of WBPDC directed WBPDC to engage Third Party Sampling Agencies (TPSA) within a period of six months vide order Case No. OA-456/23-24 dated 31.08.2023.
  - 2.2 WBPDC submitted that, to comply with the direction of the Commission, it has published NIT on 06.03.2024 incorporating loading end and unloading end sampling jobs. After several pre-bid meetings the bid submission closed on 31.05.2024. After reverse auction, it has been noted by WBPDC that quoted price of L1 bidder is much low, even less than 70% of estimated cost. On enquiry WBPDC gathered that, DVC has also engaged the same TPSA and are facing difficulties in terms of non-payment of wages, non-submission of reports in time, etc.
  - 2.3 In view of the above, WBPDC has requested a six-month extension to finalize the TPSA appointment process and seeks permission to continue using the existing TPSA in the meantime for uninterrupted coal sampling operations.

### Observations of the Commission

- 3.0 The Commission observes that clause (Ixa) of regulation 1.2.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended, mandates that the Gross Calorific Value (GCV) of coal at the unloading point of the thermal



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generating station must be measured through third-party sampling. The relevant provision is reproduced below:

*"GCV as received" means the GCV of coal as measured at the unloading point of the thermal generating station through collection, preparation, and testing of samples from the loaded wagons, trucks, ropeways, Merry-Go-Round (MGR), belt conveyors, and ships in accordance with the IS 436 (Part-1/ Section 1)-1964 and clause 6.2 of IS 1350 (Part-11) -1970:*

*Provided that the measurement of coal shall be carried out through sampling by a third party to be appointed by the generating companies from the list maintained by the Ministry of Coal, Government of India/ Coal India Limited."*

- 4.0 In compliance with the regulation and the Commission's order in Case No. OA-456/23-24 dated 31.08.2023, WBPDC initiated the process to appoint Third Party Sampling Agencies (TPSA) through tendering process. It is observed that, WBPDC faced challenges to finalize the contract particularly with the lowest bidder, whose performance history raised concerns. In view of this WBPDC has prayed for six-month time extension to finalize the TPSA.
- 5.0 The Commission observes that initial direction was given in order dated 31.08.2023 to engage TPSA within 6 months. After completion of approximately one year, WBPDC in this petition prays for further 6 months time extension. Considering all the submissions of WBPDC, the Commission is not satisfied with the efforts made by WBPDC so far and directs WBPDC to comply with the directions given in order dated 31.08.2023 in Case No. OA-456/23-24 within three (03) months.

### Order

- 6.0 The Commission, based on the above observations, admits a time extension of three (03) months from the date of issuance of this order to finalize the appointment of Third-Party Sampling Agencies (TPSA) in line with the direction given in order dated 31.08.2023 in case no OA-456/23-24 read with the provisions of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, as amended.
- 7.0 WBPDC is permitted to continue using the existing TPSA for further three months from the date of issuance of this order for coal sample measurement.
- 8.0 WBPDC is directed to submit a status report on the TPSA appointment process within three



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In regards to the application submitted by **West Bengal Power Development Corporation Limited (WBPDCCL)** seeking time extension in appointment of Third Party Sampling Agencies (TPSA) for measurement of Coal Sample at Loading Point and Unloading Point under Clause 1.2.1 (Ixa) of the West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 as amended (upto Fourth Amendment) and Regulation and Clause 8.10 of (Terms and Conditions of Tariff) Regulations, 2011 as amended.



months from the date of this order.

9.0 The application is thus disposed of. Let a copy of this order be served upon WBPDCCL.

10.0 WBPDCCL shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-

(MALLELA VENKATESWARA RAO)  
CHAIRPERSON

Dated: 01.10.2024

Sd/-

SECRETARY