

**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY
COMMISSION, NEW DELHI**

Petition No. /GT/2020

IN THE MATTER OF:

Application under 79(1) & 86 of the CERC (Conduct of Business), Regulations, 1999, Section 62(1)(a) of the Electricity Act, 2003 and Regulation 66 and 77 of CERC (Terms and Conditions of Tariff) Regulations, 2019 for approval of Tariff in deviation from norms specified in CERC (Terms and Conditions of Tariff) Regulations, 2019 in respect of **TLDP-III Power Station.**

PETITIONER

NHPC Limited,
(A Govt. of India Enterprise)
NHPC Office Complex, Sector-33,
Faridabad (Haryana) - 121 003.

RESPONDENT:

The Chairman & Managing Director
West Bengal state Electricity Distribution Company Ltd.
Vidyut Bhawan (8th Floor), Block-DJ
Sector-II, Salt Lake, Kolkata-700091 (West Bengal)

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NHPC Limited

Through



(M G Gokhale)

General Manager (Comml.)

Place : Faridabad

Date : 26.10.2020

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It is respectfully submitted that:

1. NHPC Limited, hereinafter called 'NHPC', is a Government of India Company within the meaning of the Companies Act, 1956. Further, it is a 'Generating Company' as defined under Section 2(28) of the Electricity Act, 2003.
2. The TLDP-III Power Station (hereinafter called TLDP-III) (4x33 =132 MW) owned by NHPC is located in the West Bengal and supplying power to its sole beneficiary West Bengal since commissioning of its first unit (01.04.2013), however COD of the station is 19.05.2013.
3. Being the sole beneficiary, GOI has allocated 100% power to WBSEDCL vide letter dated 20.12.2012.
4. The units of TLD-III Power Station were declared under COD as per following details:-

Unit #2	1.4.2013
Unit #3	1.4.2013
Unit #4	1.5.2013
Unit #1 / Generating Station	19.5.2013

5. The Power Purchase Agreement (PPA) in respect of TLD-III Power Station was signed between WBSSEDCL and NHPC on 12.03.2003 for a period of 5 years from COD of first unit of project i.e. upto 31.03.2018.
6. CERC vide its order dated 22.01.2015 had notified the provisional Annual Fixed Charges (AFC) / Tariff of TLD-III Power Station for the FY 2013-14. In this tariff order, CERC upheld the report of Designated Independent Agency (DIA) on time & cost overrun and concluded that the reasons for time & cost overrun of the project were due to reasons beyond the control of NHPC.
7. The said tariff order of CERC had been challenged by WBSSEDCL in the Appellate Tribunal for Electricity (APTEL) through senior Counsel/Advocates raising objections on the time & cost overrun allowed by CERC. However, Hon'ble APTEL vide its order dated 24.10.2018 disposed-off the said appeal granting liberty to WBSSEDCL to approach CERC for appropriate relief as the petition submitted by NHPC for final tariff (Petition no. 280/GT/2018) was pending for disposal in CERC.
8. Now, Hon'ble CERC vide its orders dated 31.12.2019 & 09.01.2020 in petition no 280/GT/2018 and 320/GT/2018 respectively has allowed the final tariff for period 2009-14 & 2014-19 respectively allowing entire time overrun of 72 months & cost overrun of ₹1204.07 Crs in the execution of project as already recommended by Standing Committee & DIA in its report. Based on the capital cost of ₹1942.70 Crores (excluding undischarged liabilities & including Normative IDC) allowed by CERC as on 31.03.2019, the tariff for FY 2019-20 & levelised tariff for the balance useful life works out to ₹6.29/unit & ₹5.92/unit respectively (Annex-II).



9. WBSEDCL has been raising their objections on the high tariff of TLD-III from time to time and persistently expressing their unwillingness for extending the Power Purchase Agreement (PPA) beyond March, 2018.
10. WBSEDCL vide letter dtd. 06.06.2019 offered an alternative tariff model seeking a starting tariff of ₹4.48/kWh for the FY 2019-20 and a levelised tariff of ₹5.37/unit based on project cost of ₹1392.95 Crs only with a time over run limited to 33 months as agreed by the State Govt of West Bengal. Though exhaustive discussions and correspondence took place with WBSEDCL but without any fruitful result for extending PPA beyond 31.03.2018 on existing terms and conditions. Further, WBSEDCL served a notice on 16.12.2019 intimating that if NHPC does not agree to their said proposal within 30 days, then PPA shall stand terminated without any further notice.
11. Accordingly, a joint meeting of NHPC and WBSEDCL was held at Kolkata on 9th/10th Jan 2020 and thereafter the date of termination of scheduling of power was extended to 31.01.2020 by WBSEDCL. Further, detailed meeting was held on 6th/7th Feb 2020 in order to negotiate the tariff and to ensure unhindered sale of power/scheduling from TLD-III Power Station. After detailed discussion on 06/07.02.2020 between officers of NHPC and WBSEDCL, a consensus has been arrived for a tariff of ₹4.48/kWh for FY 2019-20 and levelised tariff of ₹5.41/kWh for balance useful life of the power station. Copy of Minutes of Meeting (MOM) is enclosed at Annex-I.
12. As per MOM dated 06/07.02.2020, WBSEDCL shall pay single part tariff on actual ex-bus energy w.e.f. FY 2019-20 for the balance useful life of Power Station. Accordingly the agreed tariff v/s tariff as per CERC Regulations shall be as follows:



<i>Year</i>	<i>Tariff agreed with WBSEDCL (deviated norms) (₹/unit)</i>
2019-20	4.48
2020-21	4.75
2021-22	5.03
2022-23	5.30
2023-24	5.57
2024-25	5.59
2025-26	5.60
2026-27	5.62
2027-28	5.63
2028-29	5.65
2029-30	5.66
2030-31	5.68
2031-32	5.69
2032-33	5.71
2033-34	5.72
2034-35	5.74
2035-36	5.75
2036-37	5.77
2037-38	5.78
2038-39	5.80
2039-40	5.81
2040-41	5.83
2041-42	5.84
2042-43	5.86
2043-44	5.87



<i>Year</i>	<i>Tariff agreed with WBSEDCL (deviated norms) (₹/unit)</i>
2044-45	5.89
2045-46	5.90
2046-47	5.92
2047-48	5.93
2048-49	5.95
2049-50	5.96
2050-51	5.98
2051-52	5.99
2052-53	6.01

13. The levelised tariff based on above year wise tariff and the then applicable discount factor of 10.36% (prevalent during 001.10.19 to 31.03.2020) works out to ₹ 5.41/unit whereas the levelised tariff on the basis of CERC norms with a capital cost of ₹1942.70 Crs. (as allowed by CERC as on 31.03.2019) works out to ₹ 5.92/unit.

14. As per Regulation 30(2) of CERC Tariff Regulations, 2019, ROE is computed at the base rate of 16.50% for the storage type hydro generating stations including pumped storage hydro generating stations and run-of river generating station with pondage.

15. As TLDP-III Power Station is a run-of river generating station with pondage, ROE has to be calculated @ 16.50% which has been reduced to @10.68% as a deviation from CERC Tariff Regulations, 2019 in order to arrive at the levelised tariff of ₹ 5.41/unit as agreed with WBSEDCL. The calculated tariff as per deviation in norms has been then modified to arrive at the tariff of Rs 4.48/kWh for FY 2019-20 and has been then escalated @ Rs 0.273/kWh upto 2023-24 and

Rs 0.015/kWh from 2024-25 to 2052-53 to arrive at the same levelised tariff of Rs 5.41/kWh (Annex-III). The abstract of tariff as per CERC norms and as per Deviated norms is as under:

	Tariff as per CERC norms	Modified tariff as per Deviated norms
Tariff for FY 2019-20	Rs 6.29/kWh	Rs 4.48/kWh
Levelised Tariff	Rs 5.92/kWh	Rs 5.41/kWh

16. The alternate tariff model in respect of Teesta Low Dam – III Power Station (132MW) with deviation in norms specified in CERC (Terms & Conditions of Tariff) Regulations, 2019 has been approved by Board of Directors of NHPC in its 433rd Board Meeting held on 14.03.2020. The copy of Minutes of 433rd Board Meeting is at **Annex-IV**. Further, WBSEDCL vide e-mail dated 09.05.2020 informed NHPC that BOD of WBSEDCL has accorded approval for extension, renewal or replacement of the PPA dated 12.03.2003 of TLD-III Power Station on the tariff and terms mutually agreed between WBSEDCL and NHPC in MOM dated 07.02.2020.

17. After the approval of respective BOD(s) of NHPC and WBSEDCL, NHPC began the process of signing of PPA with WBSEDCL. PPA has been signed between NHPC and WBSEDCL on 14.09.2020, with extension of already signed PPA till 31.03.2019 with the same terms and conditions contained in PPA dated 12.03.2003 and with revised/ amended terms and conditions from 01.04.2019 till balance useful life of the plant i.e. upto 18.05.2053. The copy of signed PPA between NHPC and WBSEDCL has been placed at **Annex-V**. The salient features of the PPA for the period 01.04.2019 to 18.05.2053 are as under:

- a) The tariff for each financial year shall be as mentioned in para 12, irrespective of any other provisions of the existing Tariff Regulations as well as regulatory changes in subsequent CERC Tariff Regulations, 2024 and onwards.
- b) No additional capitalization, arbitration cost etc. shall be considered by WBSEDCL. Similarly sharing of gains mentioned in Chapter 14 of CERC Tariff Regulations, 2019 and subsequent changes in future Tariff Regulations shall also not be applicable
- c) The impact of any variation in existing statutory levies or introduction of any new statutory levies shall be taken in to effect.
- d) NHPC shall be paid for 'generation ex-bus' in respect of NHPC Station at the tariff mentioned in para 12 above and shall be billed on monthly scheduled energy (Bill for Mth month of the Nth year = 'Nth year tariff' x 'Schedule energy in Mth month') and will not be based on Availability Based Tariff Mechanism as specified in the Regulations.
- e) NHPC Station shall be treated as 'must run' power station and any reduction in schedule approved by SLDC (backing down of NHPC Station) in comparison to the schedule given by NHPC shall be considered as deemed generation and shall be paid at the tariff mentioned in clause 6.2, however, less generation due to hydrology shall not be considered by WBSEDCL.
- f) WBSEDCL shall not pay Incentive for achievement of higher PAF over NAPAF

18. The present application is being filed by the Petitioner as per regulation 66 and 77 of CERC (Terms and Conditions of Tariff) Regulation, 2019 for adoption of tariff in deviation from norms specified in CERC (Terms and Conditions of Tariff) Regulations, 2019 for the period 01.04.2019 to 18.05.2053 (i.e. upto



useful life of the Plant). The relevant extracts of regulation 66 and 77 are reproduced hereunder:

“66. Deviation from ceiling tariff: (1) *The tariff determined in these regulations shall be a ceiling tariff. The generating company or the transmission licensee and the beneficiaries or the long-term customer, as the case may be, may mutually agree to charge a lower tariff.*

(2) *The generating company or the transmission licensee, may opt to charge a lower tariff for a period not exceeding the validity of these regulations on agreeing to deviation from operational parameters, reduction in operation and maintenance expenses, reduced return on equity and incentive specified in these regulations.*

(3) *If the generating company or the transmission licensee opts to charge a lower tariff for a period not exceeding the validity of these regulations on account of lower depreciation based on the requirement of repayment in such case the unrecovered depreciation on account of reduction of depreciation by the generating company or the transmission licensee during useful life shall be allowed to be recovered after the useful life in these regulations.*

(4) *The deviation from the ceiling tariff specified by the Commission, shall come into effect from the date agreed to by the generating company or the transmission licensee and the beneficiaries or the long-term customer, as the case may be.*

(5) *The generating company and the beneficiaries of a generating station or the transmission licensee and the long term customer of transmission system shall be required to approach the Commission for charging lower tariff in accordance with clauses (1) to (3) above. The details of the accounts and the tariff actually charged under clauses (1) to (3) shall be submitted at the time of true up.”*



77. Power to Remove Difficulty: *If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by order, make such provision not inconsistent with the provisions of the Act or provisions of other regulations specified by the Commission, as may appear to be necessary for removing the difficulty in giving effect to the objectives of these regulations.”*

19. The Regulation 66(1) of CERC Tariff Regulations, 2019 clearly stipulates that the generating company and the beneficiaries may mutually agree to charge a lower tariff and shall be required to approach the Commission for charging lower tariff as per Regulation 66(5) of CERC Tariff Regulations, 2019.
20. The present application is therefore made under the Regulation 66 of CERC Tariff Regulations, 2019 for charging lower tariff as mentioned at para-12 to beneficiary WBSEDCL in respect of TLDP-III Power Station.
21. Further, as per PPA signed between NHPC and WBSEDCL, the tariff for each financial year shall be fixed single part tariff as mentioned in para-12, therefore audited tariff forms (Forms-1 to 19) as specified in Regulation 10 of CERC Tariff Regulations, 2019 have not been enclosed with the present application.
22. Regulation 66(2) of CERC Tariff Regulations, 2019 mentions that the generating company may opt to charge a lower tariff for a period not exceeding the validity of these regulations, however, the alternate tariff model under deviation in CERC norms has been agreed between NHPC and WBSEDCL for balance useful life i.e. upto 18.05.2053, which is not consistent with the provisions of Regulation 66(2) of CERC Tariff Regulations, 2019.
23. Further, as per Regulation 66(5) of CERC Tariff Regulations, 2019, the details of the accounts and the tariff actually charged under Regulation 66(1) and 66(3) of CERC Tariff Regulations, 2019 needs to be submitted at the time of true up.

NHPC and WBSEDCL have entered into the agreement for adoption of tariff with deviation in CERC norms for the period 01.04.2019 to 18.05.2053 as a single part tariff on actual 'ex-bus' generation. Hon'ble Commission is therefore, requested to exempt the Petitioner from filing of truing up petition as mentioned in Regulation 66(5) of CERC Tariff Regulations, 2019.

24. Hon'ble Commission is vested with Power to Remove Difficulty for removing difficulty in giving effect to the objective of regulations under Regulation 77 of CERC Tariff Regulations, 2019. Accordingly, Hon'ble Commission is requested to approve Tariff in deviation from norms specified in CERC (Terms and Conditions of Tariff) Regulations, 2019 in respect of TLDP-III Power Station for the period 01.04.2019 to 18.05.2053 (i.e. upto useful life of the plant) and to exempt the petitioner from filing of truing up petition at the end of control period as fixed single part tariff for each financial year has been agreed by both parties and there is nothing to be "trued up".

25. Filing fee amounting to Rs.5,80,800/- for the year 2019-20 and 2020-21 (first and second year of tariff period 2019-24) has already been electronically transferred through UTR No. SBIN219116877156 and SBIN220120751436 respectively in terms of CERC (Payment of Fee) Regulations, 2012 & same has already been intimated to CERC vide letter dated. 29.04.2019 and 29.04.2020. A copy of each letter is attached as **Annex-VI**.



Prayer

1. To approve tariff in deviation from norms specified in CERC (Terms and Conditions of Tariff) Regulations, 2019 in respect of **TLDP-III Power Station** as mentioned in para 12 and 20.
2. To allow raising of energy bills as single part tariff based on ex-bus generation as per Tariff mentioned at para-12 for the energy generated upto Design Energy and energy generated beyond Design Energy as well.
3. Hon'ble Commission is requested to exercise its power to remove difficulty to approve Tariff in deviation from norms for the period beyond Control Period of CERC Regulations, 2019 i.e. from 01.04.2019 to 18.05.2053 (useful life of the power plant) and to exempt the petitioner from filing of truing up petition as mentioned in para-24.

NHPC Limited.

Through



(M G Gokhale)

General Manager (Comml.)

Place : Faridabad

Date : 26.10.2020



हरियाणा HARYANA 10AA 558509
**BEFORE THE HON'BLE CENTRAL ELECTRICITY REGULATORY
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(A Govt. of India Enterprise)
NHPC Office Complex, Sector-33,
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RESPONDENT

The Chairman & Managing Director
West Bengal state Electricity Distribution Company Ltd.
Vidyut Bhawan (8th Floor), Block-DJ
Sector-II, Salt Lake, Kolkata-700091 (West Bengal)

AFFIDAVIT VERIFYING THE PETITION

I, M G Gokhale S/o Late Dr. G D Gokhale aged 54 years working as General Manager (Commercial) in NHPC Limited, the applicant in the above matter do solemnly affirm and state as follows that:-

1. I am working as General Manager (Commercial) in NHPC Limited, and am well acquainted with the facts of the above matter.

2. The statements made in the petition herein are true to my knowledge and belief and are based on documents / records available and / or management's approval.

Solemnly affirmed at Faridabad on the day of 26th October, 2020 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.



DEPONENT

IDENTIFIED BEFORE ME



IDENTIFIED THE DEPONENT
Executors His / Her Their
Signature / Thumbs / Impression

ATTESTED AS IDENTIFIED

16
Notary Faridabad (Haryana)

26. OCT 2020



एनएचपीसी लिमिटेड
(भारत सरकार का उद्यम)

NHPC Limited

(A Government of India Enterprise)

संदर्भ सं./Ref. No. NH/Comml./Tariff/315/2020

फोन/Phone : _____

दिनांक/Date : 27.07.2020

Authority Letter

I, Y.K Chaubey, S/o Sh. Rajendra Chaubey working as Director (Technical), NHPC Ltd., NHPC Office Complex, Sector-33, Faridabad, Haryana, 121003, hereby authorize following officials of Commercial Division:

1. Sh. Milind Ganesh Gokhale, General Manager (Comml.)
2. Sh. Ajay Shrivastava, General Manager (Comml.)

to do all or any of the acts or things hereinafter mentioned below:

1. To institute, defend, argue and conduct petitions/Appeal, sign and verify petitions/Appeals, written statements, written submissions and to file the same before the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity.
2. To appear, act and plead before the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity.
3. To compromise, compound or withdraw cases filed before the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity.
4. To file petitions/Appeals or affidavits before the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity and to obtain the copies of documents, papers, records etc.
5. To apply for the inspection of the records of the proceedings of the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity.
6. To Issue notices and accept service of any summons, notices or orders issued by the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity.

Contd. 2/-

पंजीकृत कार्यालय : एन एच पी सी ऑफिस कॉम्प्लेक्स, सेक्टर-33, फरीदाबाद - 121 003, हरियाणा
Regd. Office : NHPC Office Complex, Sector-33, Faridabad - 121 003, Haryana
CIN : L40101HR1975GOI032564; Website : www.nhpcindia.com
E-mail : webmaster@nhpc.nic.in; EPABX No. : 0129-2588110/2588500
विजली से संबंधित शिकायतों के लिए 1912 डायल करें। Dial 1912 for Complaints on Electricity

32 17





Continuation Sheet No.....

- 7. To sign the appeals, petition etc. arising out of any summons, notices or orders issued by the Central Electricity Regulatory Commission/ Appellate Tribunal for Electricity on behalf of the Company.
- 8. To take all such actions as may be necessary in the case.
- 9. Authority Letter no. NH/Comml./Tariff/315/2019 dated 31.12.2019 is superseded.

Chaubey
27/07/20
(Y.K. Chaubey)
Director (Technical)

The Specimen signature of

Sh. Milind Ganesh Gokhale

[Signature]
ई. या. के. चौबे / **Er. Y. K. CHAUBEY**
निदेशक (तकनीकी) / Director (Technical)
एन एच पी सी लिमिटेड / NHPC Limited
(भारत सरकार का उद्यम / A Govt. of India Enterprise)
सेक्टर-33, फरीदाबाद / Sector-33, Faridabad

Sh. Ajay Shrivastava

[Signature]
[Signature]
[Signature]
[Signature]

Chaubey
27/07/20
(Y.K. Chaubey)
Director (Technical)

ई. या. के. चौबे / **Er. Y. K. CHAUBEY**
निदेशक (तकनीकी) / Director (Technical)
एन एच पी सी लिमिटेड / NHPC Limited
(भारत सरकार का उद्यम / A Govt. of India Enterprise)
सेक्टर-33, फरीदाबाद / Sector-33, Faridabad

33 18



Annexure - II

Minutes of meeting

Date: 06 Feb 2020

Meeting was convened at WBSEDCL HQ to discuss the issues regarding extension of PPA between WBSEDCL and NHPC for TLDP III power station. Following officials were present during the meeting.

On behalf of NHPC	On behalf of WBSEDCL
Mr. Ravinder Raina, GM (Commercial)	Mr. S. Mukhopadhyay, Chief Engineer (Regulation)
Mr. M. G Gokhale, GM (Commercial)	Mr. S. Sarkar, Chief Engineer (PT & P)
	Mr. R. Bedajna, Addl GM F&A, (Regulation)
	Mr. S. Chowdhury, Addl GM (HR&A) - Regulation
	Mr. R. Sinha, SE (E), (PT & P)

in continuation to the previous meeting dated 9th Jan 2020 and 10th Jan 2020 the issue of continuation of the PPA between WBSEDCL and NHPC for TLDP III for the balance useful life of the power station was discussed among the attending officials of NHPC and WBSEDCL on 06-Feb-2020. Point-wise deliberations and decisions on the issues are as follows:

1. On 04.06.2019 WBSEDCL proposed a tariff model with first year tariff (For 2019-20) of Rs 4.48 /kWH and levelised tariff of Rs 5.37 / kWH for balance useful life of the power station. In response to above offer NHPC submitted an alternate tariff model on 09.01.2020, with first year tariff (For 2019-20) of Rs 4.48 /kWH and levelised tariff of Rs 5.62 / kWH for balance useful life of the power station.
2. Subsequent to the discussion held on 9th and 10th Jan at WBSEDCL HQ in Kolkata, NHPC revised their tariff model on 16 Jan 2020 with a first year tariff of Rs 4.48 / kWH (FY 2019-20) and levelised tariff of Rs 5.43 / kWH for the balance useful life of the power station.
3. After detailed discussions on 06.02.2020 between NHPC and WBSEDCL, consensus was arrived for a first year tariff of Rs 4.48 / kWH (FY 2019-20) and levelised tariff of Rs 5.41 / kWH for balance useful life of the power station
4. TLDP III power station will be must run power station and NHPC shall ensure supply of power during peak hours as per requirement of WBSEDCL/ WBSLDC using pondage based on actual availability of units.
5. No further cost of any kind including on account of arbitration award or additional capitalisation, shortfall of generation etc. for balance useful life of the power station will be paid by WBSEDCL. Only variation in existing statutory levies as well as introduction of any new statutory levies will be claimed / adjusted by affected party.
6. Year-wise tariff for the tariff model as mentioned in Para 3 is enclosed as annexure 1 and shall remain fixed and unaltered for the remaining useful life of the power station irrespective of any other provisions of the existing tariff regulations as well as subsequent regulatory changes. The single part tariff for respective financial year is mentioned in annexure 1. WBSEDCL shall pay as per tariff mentioned in annexure 1 and actual ex-bus energy.
7. Rebates and late payment surcharge shall be as per existing CERC norms (2019-24).
8. Accordingly, NHPC and WBSEDCL will approach their respective Board of Directors / Management for approval of the proposal. WBSEDCL will approach WBERC for approval of the draft PPA and NHPC will approach and seek necessary approvals from CERC. Thereafter the PPA will be signed for TLDP III power station for balance useful life of the power station.

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Annexure 1

Year	Yearwise tariff (single part) Rs/kWH
2019-2020	4.48
2020-2021	4.75
2021-2022	5.03
2022-2023	5.30
2023-2024	5.57
2024-2025	5.59
2025-2026	5.60
2026-2027	5.62
2027-2028	5.63
2028-2029	5.65
2029-2030	5.66
2030-2031	5.68
2031-2032	5.69
2032-2033	5.71
2033-2034	5.72
2034-2035	5.74
2035-2036	5.75
2036-2037	5.77
2037-2038	5.78
2038-2039	5.80
2039-2040	5.81
2040-2041	5.83
2041-2042	5.84
2042-2043	5.86
2043-2044	5.87
2044-2045	5.89
2045-2046	5.90
2046-2047	5.92
2047-2048	5.93
2048-2049	5.95
2049-2050	5.96
2050-2051	5.98
2051-2052	5.99
2052-2053	6.01
Levelised	5.41

Rajan

7/02/20 *7/02/20*

7/02/20 *[Signature]*

7/02/20



**EXTRACTS OF THE MINUTES OF THE 433TH MEETING OF THE BOARD
OF DIRECTORS OF NHPC LIMITED HELD ON 14TH MARCH, 2020**

XXXXX

ITEM NO.

433.2.8: APPROVAL OF ALTERNATE TARIFF MODEL IN RESPECT OF TEESTA LOW DAM - III POWER STATION (132 MW) - DEVIATION FROM NORMS SPECIFIED IN CERC (TERMS & CONDITIONS OF TARIFF) REGULATIONS, 2019:

1. The Board noted that NHPC had signed Power Purchase Agreement (PPA) with WBSEDCL on 12.03.2003 for a period of 5 years from COD of first unit of the TLDP-III Power Station. The first unit of the Power Station was commissioned on 01.04.2013. Accordingly, the PPA was valid upto 31.03.2018. CERC vide order dated 22.01.2015 notified the provisional Annual Fixed Charges (AFC)/ Tariff of TLD-III power station for FY 2013-14 as Rs. 6.20/- per unit. The tariff order was challenged by WBSEDCL raising objections on time & cost overrun allowed by CERC.
2. The Board was informed that pending approval of Revised Cost Estimate (RCE) and tariff order for the period 2014-19, energy bills during the period 2014-19 were raised to WBSEDCL on the basis of tariff approved by CERC for FY 2013-14. However, WBSEDCL has been raising objections on the high tariff from time to time and expressing its unwillingness for extending the PPA beyond March, 2018.
3. However, WBSEDCL continued to draw power after expiry of PPA by making regular payment at the tariff approved by CERC for FY 2013-14. WBSEDCL vide notice dated 16.06.2019 offered an alternative tariff model seeking a starting tariff of Rs. 4.48/kWh for the FY 2019-20 and a



levelised tariff of Rs. 5.37/unit based on the project cost of Rs. 1392.95 crores, with time overrun of 33 months. Further, WBSEDCL vide letter 16.12.2019 intimated that if NHPC does not agree to the proposal of alternative tariff model, then the PPA shall stand terminated. The date of termination of scheduling of power was further extended upto 31.03.2020.

4. After detailed discussion, a consensus has been arrived for a tariff of Rs. 4.48/kWh for FY 2019-20 and levelised tariff of Rs. 5.41/kWh for balance useful life of the power station.
5. Hon'ble CERC vide its order dated 31.12.2019 & 09.01.2020 has allowed the entire time overrun of 72 months & cost overrun of Rs. 1204.07 crore. Based on the capital cost of Rs. 1942.70 crore (excluding undischarged liabilities & including Normative IDC) allowed by CERC, the tariff for FY 2019-20 & levelised tariff for the balance useful life works out to Rs. 6.29/unit & Rs. 5.92/unit respectively.
6. Director (Finance) informed that if the tariff of power station is not optimized, NHPC will be compelled to sell its power through Power Exchange at a meagre rate of approx. @ Rs. 2.80/ unit (average MCP in day ahead market of IEX for the FY 2019-20 @ Rs. 3.06/unit less transmission charges @ Rs. 0.26/unit approx). In such condition, NHPC has to bear a huge financial loss amounting to Rs. 1780.07 Crs (in present value terms).
7. In the similar manner, if the proposed model is compared with the normal CERC tariff, there is a net loss of approx. Rs. 306.48 Crs in present value terms.



8. Further, in case of sale of Power to any other beneficiary except West Bengal, WBSEDCL may be entitled to get free power @12% which is currently forgone by them. In such situation, the tariff for the saleable portion of power will further increase sharply and it will be extremely difficult for NHPC to sell such costly power to other beneficiaries within/ outside the region. Also, the Power Station is not directly connected to ISTS, but through Intra State line owned by WBSETCL which may be a deterrent to sell the power to States/ Discoms other than WBSEDCL.
9. Director (Finance) also apprised the Board that as per MoM dated 06/07.02.2020, WBSEDCL will not reimburse:
- (a) Add Cap during balance life of the Project
 - (b) Energy charges towards shortfall in generation
 - (c) Impact of future wage revision
 - (d) Add cap on account of pending arbitration cases/awards
 - (e) Incentive for higher generation than NAPAF.
- The cumulative impact of these items is estimated at Rs 2330 crore (Annexure XVII to the Agenda).
10. CERC, in its tariff regulation 2019 under regulation 66 allows deviation from ceiling tariff once the same is mutually agreed between generating company and the beneficiaries.
11. The Board was also informed about the merits and demerits of the proposal as detailed at para 5.3 and 5.4 of the agenda note. In addition to above, a refund of Rs. 110.18 crore to WBSEDCL shall become due for FY 2019-20 on the basis of differential tariff charged as per CERC tariff order 2014-19 @ Rs 5.90 / unit and Rs. 4.48 / unit as agreed with WBSEDCL. Based on the revised tariff, the return on equity for the balance useful life of the Power Station comes to Rs. 10.68%.



12. The Board discussed the proposal in detail. After discussion, the Board was of the view that it has no option except to approve the proposal in view of the explanations given in the agenda note. However, Board desired that necessary steps be taken to cut down the cost of generation of power of the Project.

13. Thereafter, the Board approved the proposal as contained in the agenda note and passed the following resolutions:

RESOLVED THAT the recovery of charges for energy generated by TLD-III Power Station (ex-bus) at fixed and firm tariff as per MOM dated 06/ 07.02.2020 (Annex-V to the agenda note) held between NHPC and WBSEDCL irrespective of any subsequent changes in regulatory provisions and change in capital base due to any additional capitalization from FY 2019-20 onwards till the end of useful life of the power station.

FURTHER RESOLVED THAT an application be filed in CERC with above deviations (as enumerated at para-6.1 and 6.2 of the agenda note) for getting approval of the Hon'ble Commission for the moderated tariff proposal under Regulation 66 ('Deviation from ceiling tariff'), Regulation 76 ('Power to Relax') and Regulation 77 ('Power to Remove Difficulty') for the remaining useful life of TLD-III Power Station w.e.f. FY 2019-20.

FURTHER RESOLVED THAT refund amount of Rs. 110.18 Crores to WBSEDCL shall become due for FY 2019-20 on the basis of differential tariff charged as per CERC tariff order 2014-19 @ Rs. 5.90/ unit and Rs. 4.48/ unit as agreed with WBSEDCL now as per CERC norms.

XXXXX



Non-Judicial



Indian-Non Judicial Stamp
Haryana Government



Date : 11/09/2020

Certificate No. EOK20201850

GRN No. 67452063



Stamp Duty Paid : ₹ 101

Penalty ₹ 0

Per Page

Seller / First Party Detail

Name: Nhpc Limited

H.No/Floor: 00

City/Village: Faridabad

Phone: 95*****87

Sector/Ward: 33

District: Faridabad

Others: Nhpc limited

LandMark: Nhpc corporate office

State: Haryana

Buyer / Second Party Detail

Name: Wbsecl

H.No/Floor: 7

City/Village: Kolkata

Phone: 74*****15

Sector/Ward: II

District: Kolkata

Others: West bengal state electricity distribution company ltd

LandMark: Salt lake

State: West bengal



Purpose: SUPPLEMENTARY POWER PURCHASE AGREEMENT BETWEEN NHPC LIMITED AND WBSEDCL

The authenticity of this document can be verified by scanning the QR Code through smart phone or on the website <https://sgristry.nhpc.in>

SUPPLEMENTARY POWER PURCHASE AGREEMENT

BETWEEN

NHPC LIMITED

AND

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED

THIS SUPPLEMENTARY POWER PURCHASE AGREEMENT (hereinafter called 'Supplementary Agreement') entered into on this...^{14th}...day of September 2020 between **NHPC Limited**, (formerly known as National Hydroelectric Power Corporation Limited), a Company incorporated under the Companies Act, 1956 having its registered office at NHPC Office Complex, Sector-33, Faridabad, Haryana-121003 (hereinafter called '**NHPC**', which expression shall unless repugnant to the context or meaning thereof include its successors and assigns) as party of the **First part**;

And

WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (formerly known as **WEST BENGAL STATE ELECTRICITY BOARD**) having its registered office at Vidyut Bhawan (7th Floor), DJ Block, Sector-II, Salt Lake, Kolkata-700091 (hereinafter called as '**WBSEDCL**', generally referred to as "Bulk Power Customer" which

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(M. G. Gokhale)
GM - Commercial, NHPC Ltd



expressions unless repugnant to the context shall include their respective successors and assigns) as party of the **Second part**.

Each of the parties first and second part shall be individually referred to as a "Party" and collectively as "Parties".

WHEREAS a Bulk Power Customer had been entered into a Power Purchase Agreement (PPA) dated 12th March 2003 with NHPC for purchase of Power from Teesta Low Dam-III Power Station (33x4=132MW) (hereinafter collectively referred to as TLDP-III") of NHPC as per terms and conditions contained in the said PPA.

AND WHEREAS disputes arose between the parties on the tariff claimed by NHPC for the power generated from TLD-III which in WBSEDCL's view was excessively and unreasonably high (a brief narration of progression of dispute is recorded in **Annexure-I**).

AND WHERAS both the parties for the purpose of ensuring no disputes arise in future regarding tariff, entered negotiations and a broad understanding was reached and a MOM dated 6-7 Feb 2020 (**Annexure-II**) was signed by and among the parties.

AND WHEREAS Article 12.0 of the PPA dated 12th March 2003 regarding "DURATION OF AGREEMENT" states as follows;

"This Agreement shall come into force from the date of commercial operation of the first unit of project and shall remain operative for 05 years provided that this Agreement may be mutually extended, renewed or replaced by another Agreement on such terms and for such further period of time as the parties may agree to. However, the provisions of this Agreement shall continue to operate till this Agreement is formally renewed, extended or replaced, in case Bulk Power Customer continues to get power from the project even after expiry of this Agreement without further renewal or formal extension thereof."

AND WHEREAS, in exercising the said provision of Article 12.0, this **Supplementary Agreement** is being executed to extend/renew/supplement the aforementioned PPA

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(M. G. Gokhale)
GM - Commercial, NHPC Ltd*

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dated 12th March 2003 on expiry of 05 years from the date of commercial operation of the first unit of TLD-III.

Amended Terms and Conditions:

A. Amendment in Article 1.0 (DEFINITIONS:) of the PPA dated 12th March 2003:

1.0 DEFINITIONS:

- i) A new word/ expression "SLDC: means State Load Despatch Centre" shall be added as sl.no. 'o').
- ii) In the meaning of REA as defined at sl. no. k) the word 'EREB' shall be substituted by 'SLDC'.
- iii) The word 'EREB' appearing in the agreement at clause no(s). 3.1, 5.0, 7.1 & 10.1 shall be substituted by the word 'SLDC'.

B. Amendment of Article 6.0 (TARIFF) of the PPA dated 12th March 2003:

Article 6 shall be substituted as under:

6. TARIFF

6.1 Both the parties have agreed for an alternative tariff model & deviation from norms specified in CERC Tariff Regulations 2019 and respective board of Directors of NHPC Limited and WBSEDCL have also given approval for the same. The tariff shall be a single part tariff applicable on the quantum of energy supplied.

6.2 The tariff for each financial year shall be as follows:

Year	Year wise tariff Rs/kWh
2019-2020	4.48
2020-2021	4.75
2021-2022	5.03
2022-2023	5.30
2023-2024	5.57
2024-2025	5.59
2025-2026	5.60
2026-2027	5.62

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2027-2028	5.63
2028-2029	5.65
2029-2030	5.66
2030-2031	5.68
2031-2032	5.69
2032-2033	5.71
2033-2034	5.72
2034-2035	5.74
2035-2036	5.75
2036-2037	5.77
2037-2038	5.78
2038-2039	5.80
2039-2040	5.81
2040-2041	5.83
2041-2042	5.84
2042-2043	5.86
2043-2044	5.87
2044-2045	5.89
2045-2046	5.90
2046-2047	5.92
2047-2048	5.93
2048-2049	5.95
2049-2050	5.96
2050-2051	5.98
2051-2052	5.99
2052-2053	6.01

- 6.3 The tariff for the period 01.04.2053 to 18.05.2053 shall be same as actually charged for FY 2052-53. The tariff beyond 18.05.2053 will be decided based on the regulatory environment prevailing at that point of time.
- 6.4 The tariff for each financial year shall be as mentioned above, irrespective of any other provisions of the existing Tariff Regulations as well as regulatory changes in subsequent CERC Tariff Regulations, 2024 and onwards. However, the impact of any variation in existing statutory levies or introduction of any new statutory levies shall be taken in to effect as mentioned in MOM dated 6-7 Feb 2020 between NHPC Ltd and WBSEDCL.

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 GM-Commercial, NHPC Ltd

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- 6.5 No additional capitalization, arbitration cost etc shall be considered by WBSEDCL. Similarly sharing of gains mentioned in Chapter 14 of CERC Tariff Regulations, 2019 and subsequent changes in future Tariff Regulations shall also not be applicable.
- 6.6 NHPC shall be paid for 'generation ex-bus' in respect of NHPC Station at the tariff mentioned above in clause 6.2.
- 6.7 NHPC Station shall be treated as 'must run' power station and any reduction in schedule approved by SLDC (backing down of NHPC Station) in comparison to the schedule given by NHPC shall be considered as deemed generation and shall be paid at the tariff mentioned above in clause 6.2, however, less generation due to hydrology shall not be considered by WBSEDCL.

C. Amendment of Article 12.0 "DURATION OF AGREEMENT" of the PPA dated 12th March 2003:

DURATION OF AGREEMENT:

1. The PPA dated 12th March 2003 has expired on 31.03.2018 on expiry of 05 years period of commercial operation of the first unit of TLDP-III, as the COD of the first unit of TLDP-III was 01.04.2013. Both the parties agreed to extend the PPA dated 12th March 2003 further till 31.03.2019 with the terms and conditions contained in that PPA dated 12th March 2003.
 2. The revised/ amended terms and conditions in this Supplementary Agreement shall come into force with effect from 01.04.2019 and shall remain valid till 18.05.2053 (upto balance useful life of the power station as per useful life defined in CERC Tariff Regulations, 2019).
- D. Excess amount already paid by WBSEDCL for energy supplied from 01.04.2019 calculated as per the revised terms, shall be refunded by NHPC within a month of signing of this agreement and necessary approvals of the respective Commissions. No LPSC shall be payable by NHPC for the said period. The amount to be refunded by NHPC shall be refunded and not adjusted against any outstanding bills pending payment by WBSEDCL or disputed by WBSEDCL. Any delay in such refund shall

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GM-Commercial, NHPC Ltd

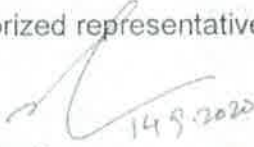


attract LPSC. Further, WBSEDCL reserves the right to adjust the amount to be refunded against outstanding bills of NHPC.

E. The MOM dated 6-7 Feb, 2020 between representatives of NHPC Ltd and WBSEDCL (Annexure-II) shall be an integral part of the agreement and terms and conditions agreed by NHPC Ltd and WBSEDCL in that meeting will be treated as terms and conditions of this Supplementary Agreement and shall have over-riding effect.


F. This supplementary agreement shall form an integral part of the original PPA dated 12th March, 2003 and all other terms and conditions of the aforementioned PPA Dated 12th March 2003 shall remain unaltered.


IN WITNESS WHEREOF the parties have executed these presents through their authorized representatives on the dates mentioned herein above.


14.9.2020
ए.जी. बोखले / M. G. BONGHALE
महानिर्देशक / General Manager
वाणिज्यिक विभाग / Commercial Division
एन एच पी सी लिमिटेड / NHPC Limited
(भारत सरकार का उद्यम / A Govt. of India Enterprise)
सेक्टर-33, फरीदाबाद / Sector-33, Faridabad

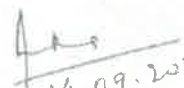
For and on behalf of
NHPC Limited

WITNESS

1. 
14.9.2020
(V.N. Tripathi)
Senior Manager (Elect.)
NHPC Ltd.


14/09/2020
For and on behalf of
WBSEDCL
Power Transmission & Distribution
WBSEDCL

WITNESS

1. 
14.09.2020
(R.N. SINHA)
Addl. CE (PT & P)
WBSEDCL



Annexure-I

Progression of dispute between NHPC Ltd (NHPC) and West Bengal State Electricity Distribution Company Ltd. (WBSEDCL) and Negotiation for arriving at a negotiated tariff model

1. WBSEDCL executed PPA on 12th March, 2003 with NHPC for drawal of entire power from TLDP-III (4 x 33 MW) on the basis of DPR prepared by NHPC for TLDP-III and the Techno Economic Clearance (TEC) of Central Electricity Authority (CEA) dated 28.11.2002.
2. Salient stipulations of TEC were:
 - a. Scheduled date of commissioning of the project as 31.03 2007.
 - b. Total estimated cost of the project was Rs. 782.23 Cr. including IDC and FC of Rs. 62.60 Cr. based on April 2002 price level (which was subsequently revised by Cabinet Committee on Economic Affairs (CCEA) to Rs. 768.92 Crore at December 2002 price level)
 - c. The completed cost of scheme should not exceed the approved cost except on account of the following:
 - a) Change in rate of Indian tax and duties;
 - b) Change in Indian Law resulting in change in cost;
 - c) Price variation formula as accorded at the time of placement of order.
 - d) Interest During Construction and Financing Charges shall be as per actual but not exceeding the amount as indicated for appraisal except for pro-rata variation on account of variation in Hard Cost as stated at (a), (b), & (c) above.
 - e) There would be no increase in the project cost on account of variation of civil quantities except on account of geological surprises approved by an Expert Committee. However, enhanced cost was required to be recommended by the expert committee.

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3. WBSEDCL found that NHPC claimed estimated capital cost of Rs. 1958 50 Cr in their Tariff Petition No.115/GT/2013 filed before CERC on 05.11.2012 for determination of tariff for TLDP-III for the period 01.04.2013 to 31.03.2014 undermining stipulations of TEC and DPR thereby First year tariff was to be enhanced to Rs. 6.02/Kwh compared to expected First year Tariff of Rs 2.52/kWh as per DPR.

NHPC's view: The tariff petition submitted by NHPC was based on actual / projected capital cost of the Project.

The unit "Kwh" wherever appearing in the document may be replaced as "kWh".

4. WBSEDCL challenged the said Petition as NHPC claimed cost overrun of Rs.1189.58 Cr going beyond stipulations of TEC, CCEA and DPR on the following ground:

NHPC's view: NHPC has not violated any provisions of TEC, CCEA and DPR.

- i. NHPC claimed the enhanced project cost on the basis of recommendation of Designated Independent Agency (DIA), M/s Tata Consulting Engineers Limited (TCEL) but DIA did not get opportunity to independently examine the project construction, as per guideline of CERC as DIA was engaged by NHPC on 11.01.2013, just two months before the project completion and they submitted their report entirely on the basis of data/ information provided by NHPC.
- ii. NHPC claimed Cost Overrun for following reasons of Time Overrun:
 - (a) Delay in transfer of forest land;
 - (b) Delay due to slope failure in Right Bank Area
 - (c) Delay due to flash floods;
 - (d) Delay in time for execution of extra works;
 - (e) Delay due to strikes/bandhs and massive earthquake in September, 2011; and
 - (f) Delay due to frequent theft of the conductor.

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(M. G. Gokhale)
GM-Commercial, NHPC Ltd




- iii. Reasons of cost overrun mentioned by NHPC in their Tariff Petition
 - (a) Increase in Scope of Works
 - (b) Socio-political movement by local political parties during 2008 to 2013.
 - (c) Increase in Price escalation and Establishment expenditure
 - (d) Increase in Interest during construction (IDC).
 - (e) Increase in exchange rate variation in HM works.
 - (f) Increase in Statutory levies and taxes.
 - iv. NHPC did not constitute Expert Committee for examining the incident of Geological Surprises as per stipulation of TEC and thus the claim of NHPC regarding time and cost overrun for Geological surprises is not based on recommendation of the Expert Committee.
 - v. The flood data of river Teesta for the relevant period received by GoWB on 18.08.2017 from CWC clearly showed that there was no unprecedented flood of river Teesta during the period of construction though NHPC claimed of unprecedented flood as reason for time and cost overrun.
5. NHPC itself was inconsistent in their claim as they submitted different data before different forum like CERC and Standing Committee.

However, NHPC's view on points 4 & 5 is as follow:

NHPC had submitted detailed reply to the objections raised by WBSEDCL in CERC along with documents showing meteorological data on floods, correspondence made with various authorities for forest clearance and stoppage of works due to strike/ bandhs etc. Further, DIA i.e. Tata Consulting Engineers Limited is highly reputed organization.

6. CERC has passed an order on 22.01.2015 and allowed the time and cost overrun claimed by NHPC without any prudence check and ignoring anomalies pointed out by WBSEDCL.


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NHPC's view: CERC has passed the order dated 22.01.2015 after detailed scrutiny of submissions made by both WBSEDCL & NHPC and after prudence check.

7. NHPC filed Review Petition No. 5/RP/2015 before CERC against the order dated 22.01.2015 claiming project cost as on COD as Rs. 1972.99 Cr which has been disposed of by CERC on 18.09.2015 stating that project cost as on COD will be considered at the time of true up.

However, NHPC's view in this point is as follows:

Aggrieved by the order dated 22.01.2015, review petition (Petition No. 5/RP/2015) has been filed by NHPC mainly on the issues related to error in computation of interest on loan and O&M Expenses, reduction in capital cost due to excess reduction of undischarged liability etc. The said review petition has been disposed of by CERC vide order dated 18.09.2015 stating that the prayers of NHPC will be considered at the time of truing up

8. WBSEDCL filed Appeal against both the order 22.01.2015 and 18.09.2015 of CERC before APTEL (Appeal No. 212 & 282 of 2015) which have been disposed of by APTEL on 24.10.2018 with a direction to CERC to consider submission of WBSEDCL afresh during hearing of the Revised Tariff Petitions filed by NHPC for TLDP-III (280/GT/2018 & 320/GT/2018).
9. WBSEDCL came to know from an Affidavit filed by NHPC that the Standing Committee on TLDP III held its second meeting on 08.03.2016 where entire Project cost, as claimed by NHPC, was recommended.
10. Dept. of Power & NES, GoWB immediately issued a letter to MOP, GOI on 17.08.2016 highlighting the anomalies in claim of RCE of TLDP-III by NHPC for consideration of the Standing Committee with the request to offer opportunity to GoWB/WBSEDCL to submit its views before the Standing Committee.


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11. MOP, GOI on 05.12.2016, sought views of GoWB on the note of PIB proposal regarding TLDP-III.
12. Dept. of Power & NES, GoWB submitted their views to MOP, GOI on 31.01.2017.
13. MOP, GOI requested GoWB and WBSEDCL for submission of their views on the project cost of TLDP-III on 17.03.2017 and GoWB and WBSEDCL made a presentation on the anomalies in the claim of NHPC when officials of MoP, Gol agreed to consider views of their views at the time of determination of RCE of TLDP-III. But MoP, Gol has not yet come out with the approved RCE of TLDP-III.
14. In the meantime, NHPC filed True-up Petition No. 193/GT/2015 for 2013-14 along with Tariff Petition for 2014-19 on 03.08.2015 which was disposed of by CERC on 06.02.2017 directing NHPC to file fresh Petition on receipt of approval of RCE from GOI.
15. The Principal Secretary, Dept of Power, Govt of WB requested MOP, GOI on 31.03.2017 to provide copies of reply of NHPC on the letters dated 17.08.2016 and 31.01.2017 of Govt. of WB and in turn, MoP, Gol forwarded replies of NHPC on 14.06.2017.
16. GoWB obtained the flood data from CWC on 30.08.2017 which clearly indicates that there was no unprecedented flood during period of construction of TLDP-III as maximum flood discharge did not exceed 4700 cumec, the design diversion flood, in any year except for the year 2010 (in August) when maximum flood discharge was 4751 cumec.

However NHPC's view on the point is as follows:


NHPC has already submitted the detailed data on flood discharge witnessed by the Project during various years in Hon'ble CERC.

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Sr. Commercial, NHPC Ltd

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17. Considering the flood data received from CWC, Officials of WBSFDCL analysed the time overrun of TLDP-III based on reasons stated by NHPC for the same and came to conclusion that at best 32 months Time Overrun can be allowed for TLDP-III correspondingly project cost of Rs. 1394.33 Crore can be allowed with cost overrun of Rs. 625.42 Crore.
18. Observation of GoWB on the communication of MOP, Gol dated 14.06.2017 was sent on 24.11.2017 indicating acceptable time overrun of 32 months and cost overrun of Rs. 625.42 Cr. including IDC and FC. Copy of detail analysis conducted by officials of WBSFDCL was annexed with that letter.
19. PIB meeting held at Minister of Finance on the RCE of TLDP-III on 29.11.2017. On the basis of decision of the meeting a committee was constituted with officials of CEA, CWC, NHPC and WBSFDCL to arrive at flood value of River Teesta during construction period of TLDP-III, vide communication of MoP, Gol dated 11.12.2017.
20. CEA/CWC, on 09.02.2018, provided revised flood data in respect of Peak Flood value of River Teesta during the period 2004-2011 i.e. during construction of project which indicates that annual peak flood was 6658 cumec (because of cyclone Aila) and annual peak flood for other years were well below the design diversion flood of 4700 cumec.
21. Officials of WBSFDCL reviewed the analysis on the Time and Cost overrun of TLDP-III in the wake of revised flood peak data received from CWC and came to the conclusion that at best, 33 month time overrun could be allowed for TLDP-III project correspondingly project cost of Rs. 1402.95 Cr with cost overrun of Rs. 634.04 Crore thereby final allowable project cost came to Rs. 1392.95 Crore deducting Rs.10 Crore that had been realised from the insurance company by NHPC.
22. GoWB communicated to MoP, GOI on 29.03.2018, the final analysis of WBSFDCL.


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23. In the meantime, in August, 2018, NHPC filed Revised Petition No. 280/GT/2018 and 320/GT/2018 for determination of tariff of TLDP-III for 2013-14 and 2014-19 without RCE approved by MoP, Govt on the strength of letter dated 03.07.2018 of CERC wherein CERC advised NHPC to file tariff petitions supported with copy of the Board Approval regarding actual capital cost and at least one document out of DIA Report/ CEA/ PIB or CCEA but without RCE.

NHPC's view: The revised petitions for the period 2013-14(280/GT/2018) & 2014-19 (320/GT/2018) were filed by NHPC as per the direction of the Hon'ble CERC vide letter dated 03.07.2018 in which it was directed to submit at least one document DIA Report/ cost approved by CEA/ PIB/ cost approved by CCEA.

24. WBSEDCL submitted before CERC, on the basis of Order dated 24.10.2018 of APTEL, its analysis on Time and Cost overrun of TLDP-III and concluded that, at best, 33 month time overrun could be allowed for TLDP-III project correspondingly project cost of Rs. 1402.95 Cr with cost overrun of Rs. 634.04 Crore thereby final allowable project cost came to Rs. 1392.95 Crore deducting Rs.10 Crore that had been realised from the insurance company by NHPC.

25. CERC disposed of the Revised Petition No. 280/GT/2018 and 320/GT/2018 on 31.12.2019 allowing the project cost claimed by NHPC entirely ignoring the views of WBSEDCL whereby tariff of TLDP-III became approximately two and half times of the tariff estimated at the time of signing PPA on 12.03.2003.

However NHPC's view on the point is as follows:

CERC has passed the order dated 31.12.2019 & 09.01.2020 after detailed scrutiny of submissions made by both WBSEDCL & NHPC and after prudence check. Accordingly, the issue of tariff has been settled for the period from COD to 31.03.2019 as per original orders of Hon'ble CERC and orders issued after review on direction of APTEL.

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(M. G. Gokulakrishnan)
Gen-Commercial, NHPC Ltd

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26. NHPC, in July, 2018, filed petitions for recovery of energy charges for shortfall of generation beyond the control of NHPC for the year 2014-15, 2015-16 and 2016-17. Subsequently, NHPC filed similar petition for 2017-18 and 2018-19 also. CERC has been disposing of such petitions allowing recovery energy charges on account shortfall of generation for such years declaring concerned shortfall of generation was beyond the control of NHPC. This has resulted in further increase the tariff of TLDP-III.

27. NHPC also submitted petitions for recovery of excess O&M expenses on the ground of revision of salary of its employees and officers and deployment security personnel which will further escalate the cost of power of TLDP-III.

However NHPC's view on points 26 & 27 is as follows:


The claims related to shortfall of Energy & impact of wage revision were strictly in line with the provisions of extant CERC Tariff Regulations.

28. In view of excessively high cost of power of TLDP-III which has put unnecessary burden on the consumers, WBSEDCL did not renew the PPA dated 12.03.2003 in terms of the Article 12 of the PPA on expiry of 5 years from the COD of the First unit, i.e. from 01.04.2018.

29. On 04.06.2019, WBSEDCL proposed a tariff model with first year tariff (For 2019-20) of Rs 4.48 /kWh and levelised tariff of Rs 5.37 /kWh for the balance useful life of TLDP-III. In response, NHPC submitted an alternate tariff model with first year tariff (For 2019-20) of Rs 4.48 /kWh and levelised tariff of Rs 5.62 /kWh.

30. NHPC engaged with WBSEDCL for arriving at a negotiated tariff since April, 2018 but since it was not materialized, WBSEDCL issued a Notice on 16.12.2019 for Termination of the PPA dated 12.03.2003. The said Notice has been kept in abeyance till now on the basis of request of NHPC.

31. Officials of NHPC and WBSEDCL met on 09.01.2020 and 10.01.2020 and discussed on the acceptable tariff model.


14.8.2020
GM-Commercial, NHPC Ltd



32. Subsequent to the discussion held on 9th and 10th Jan, '2020 NHPC revised their tariff model on 16 Jan 2020 with first year tariff (For 2019-20) of Rs 4.48 /kWh and levelised tariff of Rs5.43/ kWh for the balance useful life of TLDP-III.
33. After detailed discussions on 06.02.2020 / 07.02.2020 between officials of NHPC and WBSEDCL, consensus was arrived for a first year tariff (For 2019-20) of Rs 4.48 / kWh, and levelised tariff of ₹ 5.41/kWh for the balance useful life of the power station.
34. Board of WBSEDCL in its 90th Meeting held on 20.04.2020, has approved that the TLDP-III HEP PPA dated 12.03.2003 for 5 years be extended, renewed or replaced for the further period of 35 years, being the balance useful life of the Plant, on the tariff & terms mutually arrived at between WBSEDCL & NHPC vide MOM dated 07.02.2020 and further terms & conditions as may be concluded with the approval of CMD.
35. Board of NHPC has also approved the tariff & terms mutually arrived at between WBSEDCL & NHPC vide MOM dated 07.02.2020.
36. Accordingly, Supplementary PPA is being executed to supplement the PPA dated 12th March 2003 for the balance period of project life of TLDP-III.

1
14.9.2020
एन. जी. गोखले / M. G. GOKHLE
सहसंचालक / General Manager
वाणिज्यिक विभाग / Commercial Division
एन एच पी सी लिमिटेड / NHPC Limited
निस्त सरकार का उद्यम / A Govt. of India
सेक्टर-33, फरीदाबाद / Sector-33, Faridkot



Minutes of meeting

Date: 06-Feb-2020

Meeting was convened at WBSEDCL HQ to discuss the issues regarding extension of PPA between WBSEDCL and NHPC for TLDP III power station. Following officials were present during the meeting.

On behalf of NHPC	On behalf of WBSEDCL
Mr. Ravinder Raina, GM (Commercial)	Mr. S. Mukhopadhyay, Chief Engineer (Regulation)
Mr. M. G Gokhale, GM (Commercial)	Mr. S. Sarkar, Chief Engineer (PT & P)
	Mr. R. Bedajna, Addl GM F&A, (Regulation)
	Mr. S. Chowdhury, Addl GM (HR&A) - Regulation
	Mr. R. Sinha, SE-(E), (PT & P)

In continuation to the previous meeting dated 9th Jan 2020 and 10th Jan 2020 the issue of continuation of the PPA between WBSEDCL and NHPC for TLDP III for the balance useful life of the power station was discussed among the attending officials of NHPC and WBSEDCL on 06 Feb-2020. Point-wise deliberations and decisions on the issues are as follows:

1. On 04.06.2019 WBSEDCL proposed a tariff model with first year tariff (For 2019-20) of Rs 4.48 /kV/H and levelised tariff of Rs 5.37 / kWh for balance useful life of the power station. In response to above offer NHPC submitted an alternate tariff model on 09.01.2020, with first year tariff (For 2019-20) of Rs 4.48 /kWh and levelised tariff of Rs 5.62 / kWh for balance useful life of the power station.
2. Subsequent to the discussion held on 9th and 10th Jan at WBSEDCL HQ in Kolkata, NHPC revised their tariff model on 16 Jan 2020 with a first year tariff of Rs 4.48 / kWh (FY 2019-20) and levelised tariff of Rs 5.43 / kWh for the balance useful life of the power station.
3. After detailed discussions on 06.02.2020 between NHPC and WBSEDCL, consensus was arrived for a first year tariff of Rs 4.48 / kWh (FY 2019-20) and levelised tariff of Rs 5.41 / kWh for balance useful life of the power station
4. TLDP III power station will be must run power station and NHPC shall ensure supply of power during peak hours as per requirement of WBSEDCL/ WBSLDC using pondage based on actual availability of units.
5. No further cost of any kind including on account of arbitration award or additional capitalisation, shortfall of generation etc. for balance useful life of the power station will be paid by WBSEDCL. Only variation in existing statutory levies as well as introduction of any new statutory levies will be claimed / adjusted by affected party.
6. Year-wise tariff for the tariff model as mentioned in Para 3 is enclosed as annexure 1 and shall remain fixed and unaltered for the remaining useful life of the power station irrespective of any other provisions of the existing tariff regulations as well as subsequent regulatory changes. The single part tariff for respective financial year is mentioned in annexure 1. WBSEDCL shall pay as per tariff mentioned in annexure 1 and actual ex-bus energy.
7. Rebates and late payment surcharge shall be as per existing CERC norms (2019-24).
8. Accordingly, NHPC and WBSEDCL will approach their respective Board of Directors / Management for approval of the proposal. WBSEDCL will approach WBERC for approval of the draft PPA and NHPC will approach and seek necessary approvals from CERC. Thereafter the PPA will be signed for TLDP III power station for balance useful life of the power station.

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07/02/2020
CE, Regulation
WBSEDCL

07/02/2020
CE, PT & P
WBSEDCL

07/02/2020
(M. G. Gokhale)
GM-Commercial
NHPC Ltd

07/02/2020

14-8-2020
(M. G. Gokhale)
GM-Commercial, NHPC Ltd

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Annexure 1

Year	Yearwise tariff (single part) Rs/kWH
2019-2020	4.48
2020-2021	4.75
2021-2022	5.03
2022-2023	5.30
2023-2024	5.57
2024-2025	5.59
2025-2026	5.60
2026-2027	5.62
2027-2028	5.63
2028-2029	5.65
2029-2030	5.66
2030-2031	5.68
2031-2032	5.69
2032-2033	5.71
2033-2034	5.72
2034-2035	5.74
2035-2036	5.75
2036-2037	5.77
2037-2038	5.78
2038-2039	5.80
2039-2040	5.81
2040-2041	5.83
2041-2042	5.84
2042-2043	5.86
2043-2044	5.87
2044-2045	5.89
2045-2046	5.90
2046-2047	5.92
2047-2048	5.93
2048-2049	5.95
2049-2050	5.96
2050-2051	5.98
2051-2052	5.99
2052-2053	6.01
Levellised	5.41

(Handwritten initials)

(Handwritten notes and signatures)

07.02.20

*M. P. 2020
(M. G. Gokhale)
GM - General, NHPC Ltd*





एनएचपीसी लिमिटेड
(भारत सरकार का उद्यम)

NHPC Limited

(A Government of India Enterprise)

फोन/Phone : _____

दिनांक/Date : 29.04.2019

संदर्भ सं./Ref. No. NH/CommI/Tariff/357/2019/318

Secretary,
Central Electricity Regulatory Commission,
3rd & 4th Floor, Chanderlok Building,
36-Janpath, New Delhi – 110 001.

Sub.: Payment of yearly installment of petition filing fee for FY 2019-20 in respect of 20 power stations of NHPC Limited - Reg.

Sir,

We are in the process of filing tariff petitions for our 20 power stations for the period 2019-24 in CERC. In compliance to Regulation 3 of CERC (Payment of Fees) Regulations, 2012, the requisite filing fee (@ ₹4400/MW) for the financial year 2019-20 works out to ₹2,37,82,398/- (Rs. Two Crore Thirty Seven Lakhs Eighty Two Thousand Three Hundred Ninety Eight only) as per the details enclosed at Annexure-I. We had remitted filing fee in respect of our Kishanganga HEP for the full year during FY2018-19 in petition no. 43/GT/2018. As the COD of units were declared on 18.05.2018 (unit#1) & 24.05.2018 (unit#2&3) only, the excess filing fee paid for the previous year has been adjusted in the filing fee for the FY 2019-20 (details enclosed at Annexure-II).

The total filing fee of ₹2,37,82,398/- (Rs. Two Crore Thirty Seven Lakhs Eighty Two Thousand Three Hundred Ninety Eight only) has been remitted in CERC account (A/c no. 520143000000051, Corporation Bank, KG Marg, New Delhi) with UTR No. SBIN219116877156 on 26.04.2019. Details of remittance through RTGS/NEFT are indicated in enclosed Form-I (Annexure-III) separately for 20 Power Stations as per CERC (Payment of Fees) Regulations, 2012.

Encl.: As above.

Thanking you,



Yours sincerely,

A.K. Pandey
29/4/19
(A K Pandey)

General Manager CommI.)
Telefax No.0129-2256558

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पंजीकृत कार्यालय : एन एच पी सी ऑफिस कॉम्प्लेक्स, सेक्टर-33, फरीदाबाद - 121 003, हरियाणा

Regd. Office : NHPC Office Complex, Sector-33, Faridabad - 121 003, Haryana

CIN : L40101HR1975GOI032564; Website : www.nhpcindia.com

E-mail : webmaster@nhpc.nic.in; EPABX No. : 0129-2588110/2588500

बिजली से संबंधित शिकायतों के लिए 1912 डायल करें। Dial 1912 for Complaints on Electricity

Annexure-I

Details of filing fee 2019-20

Amount in ₹

Sl No.	Power Station	Installed capacity (MW)	Filing Fee @ 4400/MW
1	Bairasiul	180	7,92,000
2	Loktak	105	4,62,000
3	Salal	690	30,36,000
4	Tanakpur	94.2	4,14,480
5	Chamera-I	540	23,76,000
6	Uri-I	480	21,12,000
7	Rangit	60	2,64,000
8	Chamera-II	300	13,20,000
9	Dhauliganga	280	12,32,000
10	Dulhasti	390	17,16,000
11	Teesta - V	510	22,44,000
12	Sewa-II	120	5,28,000
13	Chamera-III	231	10,16,400
14	Chutak	44	1,93,600
15	TLDP-III	132	5,80,800
16	Nimoo Bazgo	45	1,98,000
17	Uri-II	240	10,56,000
18	Parbati-III	520	22,88,000
19	TLDP-IV	160	7,04,000
20	Kishanganga*	330	12,49,118
Total			2,37,82,398

* Refer Annexure-II



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Annexure-II

Details of actual filling fee for Kishanganga HEP (330MW) for 2018-19

Sl No.	Particulars	COD	No of days	Capacity	Amount
1	Unit#1	18.05.2018	318	110	4,21,676.71
2	Unit#2	24.05.2018	312	110	4,13,720.55
3	Unit#3	24.05.2018	312	110	4,13,720.55
Total					12,49,117.81

Say, 12,49,118 (A)

Fee already paid earlier with petition no. 43/GT/2018 14,52,000 (B)

Excess fee paid (to be adjusted) **2,02,882** (C) = (B-A)

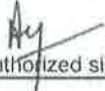


Fee for 2019-20 @ 4400/MW for 330MW 14,52,000 (D)

Net Fee to be paid for FY 2019-20 **12,49,118** (E) = (D)-(C)

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Form-I

Sl. No.	Particulars	
1	Name of the Petitioner/Applicant	NHPC LIMITED
2	Address of the Petitioner/Applicant	NHPC OFFICE COMPLEX, SECTOR-33, FARIDABAD-121003 (HARYANA)
3	Subject Matter	Payment of yearly installment (i.e. for FY 2019-20) of filing fee for Tariff Petition regarding approval of generation tariff of TLDP-III Power Station for the period 01.04.2019 to 31.03.2024.
4	Petition No., if any	
5	Details of generation assets	
	(a) generating station/units	TLDP -III / 4 units
	(b) Capacity in MW	132 MW (4 x 33 MW)
	(c) Date of commercial operation	19.05.2013
	(d) Period for which fee paid	01.04.2019 to 31.03.2020
	(e) Amount of fee paid	₹ 5,80,800 /-
	(f) Surcharge, if any	Nil
6	Details of transmission assets	
	(a) Transmission line and sub-stations	NOT APPLICABLE
	(b) Date of commercial operation	
	(c) Period for which fee paid	
	(d) Amount of fee paid	
	(e) Surcharge, if any	
7	Fee paid for Adoption of tariff for	
	(a) Generation asset	NOT APPLICABLE
	(b) Transmission asset	
8	Application fee for licence	
	(a) Trading licence	NOT APPLICABLE
	(b) Transmission licence	
	(c) Period for which paid	
	(d) Amount of fee paid	
9	Fees paid for Miscellaneous Application	
10	Fees paid for Interlocutory Application	
11	Fee paid for Regulatory Compliance petition	
12	Fee paid for Review Application	
13	Licence fee for inter-State Trading	
	(a) Category	NOT APPLICABLE
	(b) Period	
	(c) Amount of fee paid	
	(d) Surcharge, if any	
14	Licence fee for inter-State Transmission	
	(a) Expected/Actual transmission charge	NOT APPLICABLE
	(b) Period	
	(c) Amount of fee calculated as a percentage of transmission charge.	
	(d) Surcharge, if any	
15	Annual Registration Charge for Power Exchange	
	(a) Period	NOT APPLICABLE
	(b) Amount of turnover	
	(c) Fee paid	
	(d) Surcharge, if any	
16	Details of fee remitted	
	(a) UTR No.	SBIN219116877156
	(b) Date of remittance	26.04.2019
	(c) Amount remitted	₹5,80,800 /-
Note : While Sl. Nos. 1 to 3 and 16 are compulsory, the rest may be filled up as applicable.		
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature of the authorized signatory with date </div> <div style="text-align: center;">  </div> <div style="text-align: center;">  </div> </div> <p style="text-align: center; margin-top: 10px;">47</p>		



एनएचपीसी लिमिटेड
(भारत सरकार का उद्यम)

NHPC Limited
(A Government of India Enterprise)

फोन/Phone : _____

दिनांक/Date : 29.04.2020

संदर्भ सं./Ref. **NH/Comml./Tariff/357/2020/662**

Secretary
Central Electricity Regulatory Commission,
3rd & 4th Floor,
Chanderlok Building,
36 - Janpath, New Delhi- 110 001

Sub: Payment of yearly installment of petition filing fee for FY2020-21 in respect of 20 Power Stations of NHPC Limited

Sir,

As per Regulation 3(1) of CERC (Payment of Fees) Regulations, 2012, the filing fee @ Rs 4400/MW/annum for determination of tariff in respect of 20 nos. of operating Power Stations of NHPC for the FY 2020-21 is to be remitted by 30th April 2020. In compliance to the said Regulation, the total tariff filing fee for the FY 2020-21 works out to be **Rs. 2,39,85,280/-** (Rs. Two Crore Thirty Nine Lakh Eighty Five Thousand Two Hundred Eighty Only) (**Annexure-I**). The said amount has been remitted in CERC A/c no. 520143000000051, Corporation Bank, KG Marg, New Delhi on 29.04.2020 with **UTR no. SBIN220120751436**. The details of remittance through RTGS/NEFT are indicated in enclosed Form-I (**Annexure-II**) separately for each Power Station as per requirement of CERC (Payment of Fees) Regulations, 2012.

Thanking You,

Yours Sincerely,


(M G Gokhale)
General Manager (Comml.)
Tele No.0129-2250040



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पंजीकृत कार्यालय : एन एच पी सी ऑफिस कॉम्प्लेक्स, सेक्टर-33, फरीदाबाद - 121 003, हरियाणा

Regd. Office : NHPC Office Complex, Sector-33, Faridabad - 121 003, Haryana

CIN : L40101HR1975GOI032564; Website : www.nhpcindia.com

E-mail : webmaster@nhpc.nic.in; EPABX No. : 0129-2588110/2588500

बिजली से संबंधित शिकायतों के लिए 1912 डायल करें। Dial 1912 for Complaints on Electricity

Details of filing fee for Generation Tariff in respect of NHPC Power Stations - FY2020-21

Amount in Rs.

Sl No.	Power Station	Installed capacity (MW)	Filing Fee @ 4400/MW
1	Bairasiul	180	792,000
2	Loktak	105	462,000
3	Salal	690	3,036,000
4	Tanakpur	94.2	414,480
5	Chamera-I	540	2,376,000
6	Uri-I	480	2,112,000
7	Rangit	60	264,000
8	Chamera-II	300	1,320,000
9	Dhauliganga	280	1,232,000
10	Dulhasti	390	1,716,000
11	Teesta - V	510	2,244,000
12	Sewa-II	120	528,000
13	Chamera-III	231	1,016,400
14	Chutak	44	193,600
15	TLDP-III	132	580,800
16	Nimoo Bazgo	45	198,000
17	Uri-II	240	1,056,000
18	Parbati-III	520	2,288,000
19	TLDP-IV	160	704,000
20	Kishanganga	330	1,452,000
Total			23,985,280

29/11/2020



Form-I

Sl. No.	Particulars		
1	Name of the Petitioner/Applicant	NHPC LIMITED	
2	Address of the Petitioner/Applicant	NHPC OFFICE COMPLEX, SECTOR-33, FARIDABAD-121003 (HARYANA)	
3	Subject Matter	Payment of yearly installment (i.e. for FY 2020-21) of filing fee for Tariff Petition regarding approval of generation tariff of TLDP-III Power Station for the period 01.04.2019 to 31.03.2024	
4	Petition No., if any		
5	Details of generation assets		
	(a) generating station/units	TLDP -III / 4 units	
	(b) Capacity in MW	132 MW (4 x 33 MW)	
	(c) Date of commercial operation	19.05.2013	
	(d) Period for which fee paid	01.04.2020 to 31.03.2021	
	(e) Amount of fee paid	₹ 5,80,800 /-	
	(f) Surcharge, if any	Nil	
6	Details of transmission assets		
	(a) Transmission line and sub-stations	NOT APPLICABLE	
	(b) Date of commercial operation		
	(c) Period for which fee paid		
	(d) Amount of fee paid		
	(e) Surcharge, if any		
7	Fee paid for Adoption of tariff for		
	(a) Generation asset	NOT APPLICABLE	
	(b) Transmission asset		
8	Application fee for licence		
	(a) Trading licence	NOT APPLICABLE	
	(b) Transmission licence		
	(c) Period for which paid		
	(d) Amount of fee paid		
9	Fees paid for Miscellaneous Application		NOT APPLICABLE
10	Fees paid for Interlocutory Application		NOT APPLICABLE
11	Fee paid for Regulatory Compliance petition		NOT APPLICABLE
12	Fee paid for Review Application		NOT APPLICABLE
13	Licence fee for inter-State Trading		
	(a) Category	NOT APPLICABLE	
	(b) Period		
	(c) Amount of fee paid		
	(d) Surcharge, if any		
14	Licence fee for inter-State Transmission		
	(a) Expected/Actual transmission charge	NOT APPLICABLE	
	(b) Period		
	(c) Amount of fee calculated as a percentage of transmission charge.		
	(d) Surcharge, if any		
15	Annual Registration Charge for Power Exchange		
	(a) Period	NOT APPLICABLE	
	(b) Amount of turnover		
	(c) Fee paid		
	(d) Surcharge, if any		
16	Details of fee remitted		
	(a) UTR No	SBIN220120751436	
	(b) Date of remittance	29.04.2020	
	(c) Amount remitted	₹5,80,800 /-	
Note : While Sl. Nos. 1 to 3 and 16 are compulsory, the rest may be filled up as applicable.			
Signature of the authorized signatory with date			



Proof of Dispatch

The Chairman & Managing Director

West Bengal state Electricity Distribution Company Ltd.

Vidyut Bhawan (8th Floor), Block-DJ

Sector-II, Salt Lake, Kolkata-700091 West Bengal)



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