

**JOINT ELECTRICITY REGULATORY COMMISSION
(FOR THE STATE OF GOA AND UNION TERRITORIES)
GURGAON**

CORAM

Sh. Alok Tandon, Chairperson
Smt. Jyoti Prasad, Member (Law)

Petition No. 106/2023

Date of Hearing: 21.09.2023

Date of Order: 25.09.2023

In the matter of:

Petition for approval of agreement for “Purchase of power through DG Sets to deliver 10 MW power continuously to the 33 KV Grid / Bus-Bar of Phoenix Bay Power House of Electricity Department with minimum guaranteed unit deliver of 5.95 MU per month for a period of 3 (three) years or till commissioning of 50 MW LNG Power Plant at Port Blair, whichever is earlier”

And in the matter of:

Electricity Department,
Andaman and Nicobar Administration
Port Blair – 744101

.... **Petitioner**

Versus

And in the matter of:

M/s. New Bharat Engineering Works,
Plot No. D-30/9, TTC MIDC, Turbhe,
Navi Mumbai- 400705.

.... **Respondent**

Present for the Petitioner

1. Sh. Karuna Jayadhar, Superintending Engineer, Electricity Department Andaman and Nicobar Administration.
2. Ms. Usha Kapoor, AE (Planning), Electricity Department, Andaman & Nicobar Administration.
3. Ms. K. Jayashree, JE (PR), Electricity Department, Andaman & Nicobar Administration.

For the Respondent

Sh. Abbas Fodkar, New Bharat Engineering Works, Mumbai

ORDER


1. The Commission heard the petitioner at length.
2. The submissions of the Petitioner in brief are as under:
 - (i) That on the expiry of 10 MW purchase contract with M/s Sudhir Reddy Genset Consortium at Phoenix Bay Power House Complex, the executive Engineer (PG) requested the Circle Office Electricity Department to initiate action to provide 10 MW power on continuous basis at Phoenix Bay Power House Complex to prevent power crisis.
 - (ii) That Electricity Department has proposed to purchase 10 MW power on round the clock basis to the 33KV grid/bus-bar at Phoenix Bay Power House Complex with minimum guaranteed unit delivery of 5.95 MUs per month for a period of 3 years or till establishment of 50 MW LNG power plant at Port Blair, whichever is earlier.
 - (iii) That M/s New Bharat Engineering Works emerged as the L-1.
 - (iv) That the Port Blair will still be in shortfall of the 05 MW power during the evening peak hour even after taking the power from M/s New Bharat Engineering Works as presented in the present petition.
 - (v) That the Power Purchase Agreement between the Electricity Department and New Bharat Engineering Works, Plot No. D-30/9, TTC MIDC, Turbhe, Navi Mumbai-400705 was executed on 13.10.2020 vide Agreement No. EL/PR/124A/T20(2019)/2020/08.
 - (vi) That as per the Power Purchase Agreement, M/s New Bharat Engineering Works had to declare the commercial date of operation (COD) within 120 days of the execution of Power Purchase Agreement i.e., till 09.02.2021.
 - (vii) That the trial run of the power plant of M/s New Bharat Engineering Works started on 15.12.2021. However, M/s New Bharat Engineering Works failed to declare the COD of the plant till date due to reasons mentioned below:
 - (a) Plant could not deliver agreed 10MW power till date,
 - (b) Standard fuel consumption (SFC) of DG set observed above 0.270 litre/unit during the operation period and thus consuming excess HSD
 - (viii) That from the date of trial run to till date DG sets of M/s New Bharat Engineering Works has delivered only 8.28 MUs to the grid of the Electricity Department at Port Blair.

3. The Commission has considered the above submissions of the Petitioner and also examined the Power Purchase Agreement executed between the Electricity Department and M/s New Bharat Engineering Work and the terms and conditions provided in it.
4. The Commission is of the considered view that since COD is not achieved till the date of hearing (i.e., 21.09.2023) therefore the said Power Purchase Agreement cannot be considered for approval by the Commission.
5. The Petitioner requested the Commission to grant liberty to withdraw the present petition and file a petition afresh.
6. The Commission accepted the request of the petitioner. The petition is dismissed as withdrawn. The petitioner may file a petition for approval of Power Purchase Agreement afresh duly approved by the Competent Authority.

Ordered accordingly.

Sd/-
(Jyoti Prasad)
(Member (Law))

Sd/-
(Alok Tandon)
Chairperson

Certified Copy

(S. D. Sharma)
Secretary (I/c), JERC