

**IN THE JHARKHAND STATE ELECTRICITY REGULATORY
COMMISSION AT RANCHI**

Case No. 04 of 2022

M/s Adani Power Jharkhand Limited (APJL).....Petitioner

Versus

Jharkhand Bijli Vitran Nigam Limited (JBVNL).....Respondent

**CORAM: HON'BLE JUSTICE MR. AMITAV KUMAR GUPTA, CHAIRPERSON
HON'BLE MR. MAHENDRA PRASAD, MEMBER (LAW)
HON'BLE MR. ATUL KUMAR, MEMBER (TECH)**

For the Petitioner: Mr. Saket Upadhaya, Advocate

For the Respondent: Mr. Mrinal Kanti Roy, Sr. Advocate, and Mr. Binod Kumar, EEE/ Rev.
JBVNL

Date- 16th November 2022

1. The instant petition has been brought by the petitioner-M/s Adani Power (Jharkhand) Limited (APJL) on 09.12.2021 under Clause 4.7 of Jharkhand State Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2015 inter-alia for approval of revised load schedule with fixed time period and for modification of order dated 16.12.2020 passed by this Commission in case no. 21 of 2020.
2. The commission became functional with effect from 10.06.2022 after joining of Member (Law) and Member (Technical). Whereafter, the Petition was registered on 13.06.2022 and taken up for hearing on 12.07.2022 for admission.
3. The petitioner filed an Interlocutory application I.A. no. 3 of 2022 on 29.07.2022 for amendment/modification of the original petition as certain thus developments have taken place after filing of this case thus in view of the changed circumstances it has become necessary for amending the prayers made in the original petition.
4. The original petition with amendment sought in the Interlocutory application was admitted by this Commission by order dated 05.08.2022.
5. The prayers of the petitioner-APJL in its modified/amended petition are as under:
 - a) For a direction upon the Respondent-JBVNL to revise the contract demand in terms of the approval granted by this Commission vide order dated 20.11.2018 read with order dated 16.12.2020 in case no. 21 of 2020.
 - b) Pass such other orders as your Honour may deem fit and proper in view of the facts and circumstances of the case for imparting complete and substantial justice to the petitioner.

The factual matrix of the case as submitted by the parties may be appreciated in the following manner:

Submission of the Petitioner:

6. That the petitioner has entered into a MoU with the Government of Jharkhand for setting up of a Thermal Power Plant with a capacity of 1600 MW (2x800 MW) at Godda district

within the State of Jharkhand.

7. That the petitioner in order to have uninterrupted power supply at the power plant required 132kV line on a lower load and accordingly filed case no.19 of 2018 under clause 4.7 of JSERC (Electricity Supply Code) Regulations, 2015 for availing power at 132kV for load of 2MVA going up to 40 MW (peak load) and the Commission gave the approval and allowed the petitioner to avail initial power supply of 2MVA at 132kV line.
8. That the connection of the petitioner was energized in the month of February 2019 and the petitioner requested for enhancement of load which was allowed by the Respondent with certain terms and conditions. Thereafter, lockdown was declared since March-2020, to prevent the spread of COVID-19 pandemic in the country and as such the project of the petitioner was delayed. In such circumstances, the petitioner in case no.21 of 2020, prayed for approval of revised time schedule i.e. till 31st July, 2022 and it was allowed by the Commission vide its order dated 16.12.2020.
9. That the petitioner in its original petition dated 09.12.2021 has prayed for approval of revised time schedule i.e. with regard to revision of time schedule by six months only i.e. till 31st January, 2023 but since the commission was not functioning, the petition dated 09.12.2021 could not taken up / adjudicated upon, therefore the petitioner approached the Principal Secretary, Department of Energy, Government of Jharkhand for revision of time schedule for construction of power plant and availing power at 132kV line.
10. That the petitioner's load was revised by the Respondent on 07.03.2022 as well as the extension of the revised time schedule, prayed for by the petitioner in terms of the order of this Commission was extended up till April, 2023 by the Respondent.
11. Thereafter the Petitioner vide letter dated 11.07.2022 of the Ministry of Power, Government of India received approval for energisation of 400 KV transmission line from the power plant of the petitioner at Godda to Bangladesh Border being erected by the petitioner.
12. That the petitioner again vide letter dated 14.07.2022 of the Ministry of Power, Government of India received approval for electrical installation of 400 kV DC Transmission line. Besides, the petitioner also received letter dated 14.07.2022 from the Power Grid Company of Bangladesh Limited regarding readiness of Infrastructure to give back feed power to the petitioner.
13. That the project of the petitioner for Unit-I is completed and ready for energisation and once the feedback power from Bangladesh is fed into the transmission line of the petitioner, there would not be any requirement of 40 MVA load for any purpose whatsoever and the petitioner would be burdened with additional cost and expenses for the same.
14. That the petitioner in view of the aforesaid circumstances prayed for restricting the revised

load schedule upto August, 2022 only and after August, 2022, the same be treated to be load with 5MVA for construction of the 2nd Unit till April, 2023, which is on way/in the offing, as and when the revision of load would be required, the petitioner shall complete the modalities thereof.

Submission of the Respondent

15. That the Respondent in its composite reply to the I.A. no. 03/2022 and to the main petition submitted that the amendment application if allowed would change the nature of the case as in the interlocutory application the petitioner has prayed for reduction of load.
16. It was submitted by the respondent that the load of the petitioner was enhanced from 5000KVA to 7500KVA vide letter dated 13.08.2021 and it is valid upto 31.01.2022. Thereafter, the petitioner presented an application to the respondent for revision of load and time schedule i.e. 20500KVA from 01.02.2022 to 31.10.2022 and 40MW from 01.11.2022 to 30.04.2023 vide letter dated 31.01.2022. The load of 40 MW for the petitioner was allowed from 01.02.2022 to 30.04.2023 vide letter no.227 dated 07.03.2022 of the Respondents.
17. It was further submitted that the load of 40 MW and extension of time schedule till April, 2023 was allowed only on the request of the petitioner; however, it was earlier agreed upto 31.07.2022 only.
18. It was pointed out by the Respondent that as per the revised load schedule, billing of the petitioner is being made on the basis of 40MW from February, 2022 and if the load being reduced in terms of the prayer of the petitioner, the fixed charge would be reduced drastically and the respondent will suffer revenue loss of Rs. 1,65,37,500.00 approx. per month and Rs. 14,88,37,500.00 upto April, 2023 which cannot be compensated.
19. It was also submitted that the respondents have developed infrastructure in order to supply power to the petitioner in terms of the Order of this Commission to avail load upto 40MW.
20. The Respondent submitted that at the time of making application for grant of different amount of power vide letter dated 29.02.2019, the Petitioner has suppressed material facts and had not disclosed that they intend to purchase power from Bangladesh in future.

Commission's observation and findings

21. We considered the submission made by the parties and perused the materials available on records.
22. The Commission by its order dated 16.12.2020 in case no. 21 of 2020 has approved revised time schedule for the contract demand of 40 MW (peak load) for the petitioner till 31.07.2022.
23. The Commission observes that the petitioner filed its original petition along with amended petition after serving a copy to the Respondent, well before the expiry of approved revised

time schedule i.e. before the 31.07.2022 and prayed for load reduction to 5MVA since 1st September, 2022 till April 2023. The Respondent also accepted vide its letter dated 11.02.2022 that as per the recorded consumption, the maximum recorded demand of the petitioner is below 2MVA. However, in the present case the Petitioner is praying for load reduction to 5MVA i.e. more than double of the recorded maximum demand of the petitioner. In such a scenario, it is observed that if the load of the petitioner is not reduced then the Petitioner would have to be burdened with financial obligations of extra 35 MW amounting to crores of rupees every month.

24. It is also submitted that the construction of the first unit of the petitioner is completed and the Ministry of Power, Government of India vide its letter dated 11.07.2022 has granted approval for energization of 400 KV transmission line from the Power Plant, Godda to Bangladesh Border being erected by the Petitioner. Further, Power Grid Company Limited of Bangladesh vide its letter dated 14.07.2022 has informed regarding readiness of infrastructure to give the back feed power to Adani Power Jharkhand Limited, India.

In the result, it is ordered as

ORDER

25. The prayers of the petitioner are allowed. Considering the facts and circumstances of the case as well as the approval granted by the Ministry of Power, Government of India and the Power Grid Company of Bangladesh Limited, the Commission in exercise of the power conferred upon it under Clause 4.7 of the Electricity Supply Code Regulation, 2015 extends the time schedule approved vide order dated 16.12.2020 in case no. 21 of 2020 upto August, 2022 and directs the Respondent to revise the contract load of the Petitioner to 5MVA at 132kV with effect from 1st September, 2022 till April 2023. It is hereby clarified that the other terms and conditions detailed in order dated 20.11.2018 passed in case no.19 of 2018 and order dated 16.12.2020 passed in case no. 21 of 2020 shall remain applicable in this case.
26. Accordingly, the Petition is disposed of in terms of the above order.

Sd/-
Member (Tech)

Sd/-
Member (Law)

Sd/-
Chairperson