



# Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur – 492001

Tel: 0771-4048788, Fax-4073553

Website: [www.cserc.gov.in](http://www.cserc.gov.in), E-mail: [cserc.sec.cg@nic.in](mailto:cserc.sec.cg@nic.in)

## **Petition No. 28/2009(M)**

### **Review of orders of the Commission dated 18.4.2009 regarding power procurement and purchase by CSPDCL**

**Chhattisgarh State Power Distribution  
Company Pvt. Ltd.,  
Raipur** : **Petitioner**

V/s

**Jindal Steel & Power Limited  
and 36 Others** : **Respondent**

Present: S.K.Misra, Chairman  
B.K.Sharma, Member

### **ORDER (Passed on 23 /6/2009)**

This review petition has been filed against this Commission's order dated 18.4.2009 which concerns short-term power purchase by CSPDCL during the current year. In this order we have decided the rates as also the terms and conditions of short-term power purchase by CSPDCL with effect from 1.4.2009. The grounds on which this review petition has been filed by CSPDCL are that for calculation of load factor for both peak and off-peak hour supply, the Commission has imposed a restriction of 110% of the contracted quantum. Therefore, load factor should be calculated considering the number of 'eligible units' supplied during off-peak/peak hours only. Any supply upto 110% of contracted quantity during the 15 minute injection cycle should be treated as 'eligible units' and this should be taken into consideration in the calculation of load factor for peak and off-peak supply.

Secondly, in the impugned order dated 18.4.2009, a provision has been made for payment to suppliers within fifteen days from the date of submission of the bill and a stipulation has been made that the supplier shall be entitled to delayed payment surcharge of 1% per month if payment is made after the time limit. CSPDCL has submitted that payment is generally made within thirty days of receipt of bill. Such a provision has been made by this Commission in the case of supply of electricity by biomass-based power plants to CSPDCL. Thus two terms of payment will prevail for supply by generators to CSPDCL if this order is not reviewed and that may not be in order.

2. We have heard the parties on both these issues. The respondents contend that there should be no restriction of 110% for supply during the peak hours. Since CSPDCL is facing a peak shortage and the Commission is enforcing a time of day

tariff under which peak supply to HT industrial consumers costs 30% more, there is no justification for a cap on peak supply as proposed. CSPDCL during hearing agreed that normal payment as is required to be made during peak hour supply may be allowed for supply beyond 110% of contracted quantity and such supply should also be reckoned for the purpose of calculation of load factor, since it may not be appropriate to treat supply beyond 110% eligible for full payment but ineligible for load factor calculation.

3. We, therefore, order that all restrictions of supply of power during peak hours should be removed. However, supply during off-peak hours may continue to be subject to the limit of 110% of contracted quantum of power. We accordingly order that paras 18.3., 18.5 and 18.6 of our order dated 18.4.2009 be modified as under:

18(3) **Load factor calculations** for peak and off-peak supply:

Peak hour : 1800 hrs to 2300 hrs

Off-peak hours: 2300 hrs to 1800 hrs next day

(a) LF for peak hours will be calculated as:-

LF (Peak) =  $\frac{\text{Number of units supplied during peak hours}}{\text{Contracted quantum X 5 hrs. X number of days in a month or week, as applicable}}$

(b) LF during off peak hours will be calculated as

LF(Off Peak) =  $\frac{\text{Number of eligible units supplied during non peak hours}}{\text{Contracted quantum X 19hrs. X number of days in a month or week, as applicable}}$

'Eligible units' means: Units supplied upto permitted injection rate of 110% of contracted quantum of power on real time basis during off peak hours.

Note: For contracted quantum of 10 MW power and above, load factor may be calculated on weekly basis; for less than 10 MW power, load factor may be calculated on monthly basis.

18(5) **RTC supply:** The CGPs/IPP's who enter into contract for round the clock supply shall be allowed to inject more than the contracted quantum of power subject to a maximum of 110% during off peak hours. For over-injection over 110% of contracted power for power supply during off-peak hours Re 1 per kwh shall be paid. Units supplied upto 110% of contracted power during off peak hours will be taken as eligible units for the purpose of load factor and payment and other calculations.

The generator shall be allowed to inject more than the contracted quantum of power without 110% restriction during peak hours i.e. from 1800 hrs to 2300 hrs. subject to technical limitation of equipment line rating at sending and receiving ends, and shall be paid at the rate of Rs. 2.95 per kwh plus incentive as per para 18(4) of our order dated 18.04.2009 for this power provided a LF of 80% and above is maintained.

18(6) **Peak hour contracted supply:** The CGPs/IPP's which enter into contract for supply of power only during peak hours shall be allowed to inject more than the contracted quantum of power without 110% restriction during peak hours i.e. from 1800 hrs to 2300 hrs. subject to technical limitation of equipment line rating at sending and receiving ends and shall be paid at the rate of 2.95 per kwh plus incentive as per para 18(4) for this power provided they maintain LF of 80% and above. Further, looking to the practical problem of sticking to the exact time schedule for supply and the likelihood of injection for short periods beyond the contracted hours, the payment will be made at a fixed rate of Rs 1 per unit only for supply within half an hour between 17.30 hrs to 18.00 hrs and 23.00 hrs to 23.30 hrs and no payment will be made for any injection beyond these hours.

4. In so far as payment terms are concerned we agree that the payment term should continue to be as it was earlier i.e. payment for supply should be made within thirty days from the submission of the bill by the supplier to CSPDCL. We accordingly order that para 18.8 of our order dated 18.4.2009 be modified as under.

18(8) For delay in payment beyond 30 days from the date of submission of bill, the supplier shall be entitled to a delayed payment surcharge @ 1% per month.

5. Both the above modifications would be applicable retrospectively with effect from 1.4.2009 i.e. the date from which our order dated 18.4.2009 became applicable.

6. The Power Producers Association and also other respondents have brought to our notice that while the Commission's orders are that peak supply shall be restricted to five hours (1800 to 2300 hours), the CSPDCL has apparently directed the State Load Despatch Centre (SLDC) to treat the peak load hours as six hours (1700 to 2300 hours). M/s Jagdamba Power and Alloys Limited submitted a letter of SLDC dated 13.5.2009 in which open access has been permitted for peak hours i.e. 1700 to 2300 hours on the ground that 'CE (Commercial), CSPDCL, Raipur has intimated that CSPDCL would like to avail above power'. Apparently for this additional supply payment is being made at off-peak rate only. This was admitted by the petitioner and agreed to withdraw this order. We order that this stipulation be withdrawn immediately. We also observe that the SLDC while granting short-term open-access has been guided by considerations other than what is provided in the open access regulations of this Commission. The SLDC is therefore directed not to schedule power for the additional one hour and if CSPDCL wants to purchase more power they should appropriately approach this Commission. The SLDC cannot be guided by CSPDCL regarding their power purchase.

7. In this order we have taken care of another small issue on practical considerations. Power producers supplying electricity to CSPDCL during peak hours may not be able to restrict their supply strictly to five hours and may stray on either side of the supply hours. A provision of additional half-an-hour on each side has therefore been made in para 18.6 of the order to take care of such contingencies.

We order accordingly. Copy of the order be sent to SLDC also.

Sd/-  
Member

Sd/-  
Chairman