

Ref .No: 01: CD: 351

Date: 22.02.2020

Managing Director
GESCOM
Main road, Gulbarga, Karnataka.
Gulbarga – 585 102.

**Sub: Regulation Notice;
Regulation of power supply to the GESCOM as per provisions of the CERC (Regulations of Power Supply) Regulations, 2010 (as amended), BPSA dated 28.09.1993, Tripartite Agreement and various other PPAs signed with GESCOM.**

Dear Sir,

1. You are kindly aware that the bills raised by NTPC on GESCOM for energy supplied by NTPC from various stations are to be paid within due dates. As on date, a total of **Rs 590.09 Cr** remains unpaid, out of which **Rs 485.72 Cr** remains unpaid beyond due dates. In spite of repeated follow ups at various levels in person as well as through our letters dated 22.01.2020, 19.12.2019 & 06.11.2019, GESCOM has yet not liquidated the outstanding dues which are beyond due dates. As per various agreements and CERC Regulations, in case of default in making payments of bills, NTPC has the right to discontinue/ regulate the power supplies.
2. The Tripartite Agreement signed between Govt of Karnataka, RBI and Govt of India which is applicable for supply of electricity from NTPC stations to state of Karnataka also provides for regulation of power supply in case of non-payment of bills. Further, CERC (Regulation of Power Supply) Regulations, 2010 (as amended) provide that:

Quote

4. ***In case of the outstanding dues or in case the required Letter of Credit or any other agreed Payment Security Mechanism is not maintained as per the Agreement, the generating company or the transmission licensee, as the case may be, may serve a notice for regulation of power supply, on the Defaulting Entity, for reducing the drawal schedule in the case of the generating company.....***
6. ***Upon receipt of the notice under Regulation 4 and within 3 days thereafter, the concerned State Load Despatch Centre/Regional Load Despatch Centre, in whose control area the Regulating Entity is situated, shall make a plan in writing for implementing the regulation of power supply and shall inform the Regulating Entity, Regulated Entity, concerned State Load Despatch Centres, Regional Power Committees, and Regional Load Despatch Centres of the said Plan and shall post the implementation plan on its website.....***

(Emphasis supplied)

Unquote

1

पंजीकृत कार्यालय : एनटीपीसी भवन, स्कोप कॉम्प्लेक्स, 7, इन्स्टीट्यूशनल एरिया, लोधी रोड़ नई दिल्ली-110003

कार्पोरेट पहचान नम्बर : L40101DL1975GOI007966, टेलीफोन नं.: 011-24387333, फ़ैक्स नं.: 011-24361018, ईमेल: ntpccc@ntpc.co.in, वेबसाइट: www.ntpc.co.in

Registered Office : NTPC Bhawan, SCOPE Complex, 7 Institutional Area, Lodi Road, New Delhi-110003

Corporate Identification Number : L40101DL1975GOI007966, Telephone No.: 011-24387333, Fax No.: 011-24361018, E-mail : ntpccc@ntpc.co.in

Website : www.ntpc.co.in

3. The terms & conditions of Bulk Power Supply Agreement (BPSA) dated 28.09.1993 provides as follows at A.3 of Appendix A.

Quote

*"It is agreed that the **Bulk Power recipient(s)** will make all efforts to open LC within a reasonable period. In the event of failure to establish/ enhance LC within a reasonable period or alternatively in the absence of LC, if any bills remain unpaid for a period exceeding two months from the date of issue of the bill, NTPC shall have the authority to discontinue/ reduce supply of power from Ramagundam STPS to such bulk power recipient(s) and advise SREB accordingly."*

(Emphasis supplied)

Unquote

4. The allocation letters issued by Govt. of India provide that in case of default in payment, NTPC has the right to shut-off or restrict power supply from power stations and reallocate power. The relevant extract from one such letter no.5/5/2015-Th.II (Vol.I) dated 06th October, 2015 is as given below :

Quote

" 3. the above allocation will further be subject to the Power Purchase agreements (PPAs) entered into by NTPC Ltd with State power Utilities and will further be subject to the beneficiaries ensuring compliance with the financial and commercial terms (including coverage for letter of Credit) of the PPA signed with NTPC Ltd., the Tariff notification , any Tri-Partite/ bi-partite agreement signed with NTPC and any other directives/ guidelines issued by the Government of India/ Central Electricity Regulatory Commission from time to time."

Unquote

5. An amount of **Rs 485.72 Cr** has remained unpaid beyond due dates. Notice for regulation of power supply on GESCOM is hereby given for effecting regulation of power supply to GESCOM w.e.f. **00:00 hrs of 10.03.2020** initially for a period of 15 days as per provisions of the CERC (Regulations of Power Supply) Regulations, 2010 and as per PPAs/BPSA signed and various allocation letters issued by Gol.
6. In view of above, power supply to the extent of 100% allocated from NTPC Stations will be regulated to the State of Karnataka as per the details given below:
- i) Quantum and source of power from which regulation / diversion is proposed: **289.54 MW** from all **applicable NTPC Stations** (Details attached at **Annex-A**).
 - ii) The above is likely to result in excess power available to the extent of scheduled reduction.
 - iii) Regarding diversion/ absorption of regulated share, it is being taken up with other constituents of Southern and other regions to indicate their requirements. As soon as we receive any response from these constituents for absorption of regulated power of GESCOM, the same would be communicated to SRLDC.

7. As per requirement of CERC (Regulation of Power Supply) Regulations, 2010, NTPC is also posting Regulation Notice on NTPC website <https://www.ntpc.co.in/> under the tab "Notices".
8. The proposed regulation would be **implemented w.e.f. 00:00 hrs. of 10.03.2020** initially for a period of 15 days or till the time outstanding dues get cleared, whichever is earlier. A copy of this notice is also being sent to concerned RLDCs, for preparation of implementation plan for regulation of power supply to GESCO and implementation of the same as per the procedure laid down by CERC (Regulation of Power Supply) Regulations, 2010.

Thanking you,

Yours faithfully,



(Rajnish Bhagat)
ED (Commercial)

CC:

1. The Executive Director
Southern Regional Load Dispatch Centre
29, Race Course Cross Road,
Bangalore-560009

with a request to prepare implementation plan for Regulation/ Suspension of power supply to GESCO and implement the same as per CERC (Regulation of Power Supply) Regulations, 2010

2. The Executive Director
Eastern Regional Load Dispatch Centre
14, Golf Club Road, Tollygunge,
Kolkata -700 033



ED (Commercial)

3. Member Secretary, SRPC
4. Member Secretary, ERPC

Distribution List:

- Chairperson, CERC
- Chairman, KERC
- Chief Secretary, Govt of Karnataka
- ACS (Energy), Govt. of Karnataka
- JS (Thermal), MoP

Annex-A

SI No	NTPC Station	MW
1	Ramagundam STPS-I & II (2100 MW)	50.29
2	Ramagundam STPS-III (500 MW)	12.61
3	Simhadri STPS- II (1000 MW)	23.81
4	Talcher STPS-II (2000 MW)	45.27
5	Kudgi STPS-I (2400 MW)	157.56
	TOTAL	289.54