



**ASSAM ELECTRICITY REGULATORY COMMISSION**  
FILE NO. AERC. 316/2008/B PETITION NO. 06 /2012

**ORDER SHEET**

10.09.2012

Before the Assam Electricity Regulatory Commission

ASEB Campus, Dwarandhar,  
G. S. Road, Sixth Mile, Guwahati – 781 022

Petition No. 6 /2012

M/s. Assam Power Distribution Co. Ltd. (APDCL)

— Petitioner

M/s. Eastern India Powertech Limited (EIPL)  
(the then DLF Power Limited)

— Respondent

In the matter of

Review Petition filed by the petitioner  
against Final Tariff Order dated  
20.10.2011 for the year 2008-09 against  
petition No. 14 of 2008 for Adamtilla and  
Banskandi power plants of M/s EIPL.

**ORDER**

**1. BACKGROUND**

A review petition dated 16.12.2011 was filed by M/s Assam Power Distribution Company Limited (hereafter referred to as the “petitioner”) in accordance with section 94(1)(f) of Electricity Act, 2003 read with the Regulation 34 of AERC (Conduct of Business) Regulation, 2004 against the final tariff order dated 20.10.2011 for FY 2008-09 in respect of the power plants owned by M/s EIPL at Adamtilla and Banskandi.

A copy of the petition was forwarded to M/s EIPL for their comments on the same on 29.12.2011. M/s EIPL (henceforth referred to as the “respondent”) submitted their detailed comments vide petition dated 30.01.2012 wherein it was stated that all the averments and submissions made by the petitioner were without merits and hence requested that the review petition may be rejected. They also requested the Commission for necessary amendments and directions as per their submissions.

The comments of the review petition by the respondent were forwarded to the petitioner on 10.02.2012 for their observations on the same.

The Petitioner vide their letter dated 22.03.2012 prayed to the Commission to reject the submissions of the respondent on the plea that there is no merit in their contentions /allegations as the reply filed by them are misleading and misinterpreting the final Tariff Order dated 20.10.2011. The rejoinder from APDCL was forwarded to M/s EIPL on 30.03.2012 for their comments on the same.

In the meantime there were some correspondences from the respondent with the Commission regarding gas supply to the Banskandi power plant of M/s EIPL. These correspondences are discussed at the end of the Hearing chapter of this Order.

The review petition was admitted by the Commission as Petition No. 6 on 07.06.2012.

The Commission fixed a hearing on the review petition on 03.09.2012 and issued notices to the parties concerned.

## **2. Hearing on the Petition:**

The Commission took a hearing on the fixed date at the conference hall of the Commission's office building in Guwahati.

Shri A. Anand, Director EIPL and Shri G Sivasankar, GM (Operations), EIPL attended as respondents before the Commission.

Shri S. Baruah, GM (Com-T), APDCL, Shri J. P. Choudhury, AGM (Com), APDCL and Adv. Swapna Seshadri appeared on behalf of the petitioner.

The Chairperson initiated the hearing with a brief background of the case. He then asked the petitioner to make additional submissions, if any.

Adv. Seshadri stated that the review was sought on all valid and legal grounds. She requested for clarification from the Commission whether the depreciation rate of 6% allowed by the Commission was applicable only on the additional capitalization or on the total capital cost as claimed by the respondent. The Counsel contended that the claim of respondent regarding full cost recovery due to non-availability of gas is grossly incorrect and unjustified. Besides, it was also alleged by the Counsel that the respondent has not confined their submissions to the points raised by the petitioner in their review petition dated 16.12.2011, but, were making additional submissions which were misleading and irrelevant to the review petition filed by APDCL.

The Counsel stated that all allegations made by the respondent against their review petition had no merit and appealed to the Commission that the relevant AERC Regulations and norms may be thoroughly applied while deciding the case and selective application of operating norms may be avoided by the Commission.

The Commission noted the contentions of the petitioner and then asked the respondent to put forward additional submissions, if any.

Shri G Sivasankar, GM (Operations) denied the allegations made by Adv. Seshadri that EIPL was not confining its response to the points raised in the review petition. He stated that the respondent stands by the submissions made to the Commission and all points raised by the respondent are relevant for effective disposal of the case. He stated that the petitioner failed to abide by the tariff order of the Commission dated 20.10.2011 and appealed to the Commission that the petitioner be directed to make all outstanding payments for FY 2008-09 claimed by the respondent accordingly to the said tariff order.

The Commission heard both the parties and stated that it would consider the submissions made by both the petitioner and respondent before issuing any order.

The different operational and financial norms and parameters against which comments were received from the parties are briefly dealt with in the paragraphs below along with observations of the Commission:

**3. Operational and financial norms and parameters:**

**3.1 PLANT LOAD FACTOR (PLF):**

**(a) Submission of APDCL:**

(i) The petitioner prayed for review of PLF to fix at 80% for both Adamtila and Banskandi plants on the following points:

(ii) As per regulation 39.2 of AERC Tariff Regulations, 2006, the target PLF for incentive is 80% for stations commissioned on or after the Regulations come into force.

(iii) The Adamtila & Banskandi plants have only completed 15 years of life against the norms of 25 years under the provision of Regulations 2 (42) of CERC Tariff Regulations, 2009. The petitioner stated that the Commission granted relaxation to the Respondent in terms of PLF in comparison with the norms of PLF of NTPS and LTPS which is at 50% without considering the age of APGCL plants which are very old.

(iv) The respondent had itself claimed 80% for both the plants.

**(b) Submission of EIPL:**

(i) The Regulation 39.2 of AERC (Tariff) Regulation does not apply in case of EIPL plants as the same is specified for plants commissioned after date of notification of AERC (Tariff) Regulation, 2006.

(ii) They stated that the Commission has applied its Regulations along with guidelines of the PPA wherein normative PLF of EIPL plants specified as 66.46% and 68.49% for Adamtila and Banskandi plant respectively.

(iii) EIPL further submitted that they claimed the committed PLF of 80% (actual and deemed) for both of their plants on the plea that the capacity of the plants to achieve such PLF has been demonstrated during the capacity availability test. However, the respondent could not achieve 80% PLF only for the reasons such as inadequate supply of gas and other deemed generation situations.

They stated that as these reasons are beyond the control of the respondent, so incentive may be considered for the PLF (actual and deemed) achieved beyond normative PLF approved by the Commission as per the provisions of the PPA.

(c) **Observations of the Commission:** The Commission in its Tariff Order dated 20.10.2011 explained in details about considering normative PLF as per the PPA. However, the following points in this regard may be noted:

(i) Since, no operating norms has been fixed in the AERC (Tariff) Regulation, 2006 for EIPL plants, normative PLF ( 66.46% = Adamtila, 68.49% = Banskandi) as mentioned in the PPA was considered by the Commission for determination of tariff. The actual PLF achieved by EIPL was Adamtila : 36.92% and Banskandi: 55.19%.

(ii) In the section 5.2.9 of the tariff Order it was mentioned that the PLF incentive is payable only on actual generation exceeding targeted PLF as per Regulations 47 of AERC (Tariff) Regulation, 2006 and hence deemed generation is not taken into consideration while computing PLF based incentive.

(iii) Even though EIPL claimed a committed PLF of 80%, the Commission deemed it appropriate to accept the normative PLF as per the PPA due to inadequate availability of gas.

### 3.2 **GROSS STATION HEAT RATE (SHR):**

(a) **Submission of APDCL:**

(i) APDCL stated that the approved SHR's for EIPL plants (Adamtila: 2500; Banskandi: 2110) to be reviewed on the following grounds:

A. The guaranteed SHR as per DPR dated 30-10-96 of EIPL is 2000 Kcal/kwh.

B. The SHR of CCGT is 1950 kcal/kwh as per AERC (tariff) Regulation, 2006

C. CERC (Tariff) Regulation 2009 has fixed SHR of CCGT within the range from 2040 kcal/kwh to 2100 kcal/kwh.

(ii) APDCL stated that it is not open for the Commission to take the position of taking norm or actual, whichever is more beneficial to the respondent.

(iii) APDCL tried to justify their claim by citing specific provisions of National Tariff Policy, APTEL judgment in appeal no. 42 & 43 of 2008,

Haryana Power Generation Company Ltd. vs. HERC and in appeal no. 94 & 96 of 2006 NTPC vs. CERC.

**(b) Submission of EIPL:**

(i) EIPL denied most of the submissions made by APDCL. They submitted that the Commission has merely adopted the heat rates specified in the PPA which is the designed SHR of the plants after scrutiny of relevant documents like SHR curves supplied by the manufacture Allisen Engine Co., USA and DPR submitted by EIPL,

(ii) They further submitted that APDCL itself had approved SHR of 2240 Kcal/kwh and 2110 Kcal/kwh for Adamtila & Banskandi respectively considering obviously the designed operating condition against the earlier approved SHR of 2000 Kcal/kwh for both the plants as per DPR based on GOI guideline. They also contended that reference of National Tariff Policy and other APTEL Judgments by APDCL in this regard are out of context.

**(c) Observations of the Commission:** After detailed scrutiny of the relevant documents like SHR curves etc. supplied by the manufacturer Allison Engine Co. USA and as per revised DPR submitted by EIPL, the Commission noted that the designed SHR of the EIPL plants are as under:

Adamtila	=	2500 Kcal/kwh
Banskandi	=	2110 Kcal/kwh

Since it is technically correct to consider Designed Heat Rates for computation of Variable charge component of the Tariff the commission approved SHR norms as above

While doing so, the Commission clarifies that it has not taken any position of considering norms which is more beneficial to EIPL as claimed by APDCL.

**3.3 ADDITIONAL CAPITAL SPARES:**

**(a) Submission of APDCL:** The Commission has allowed the total initial spares of Rs. 12.825 Cr. (including Rs. 3.0043 Cr. already capitalized by APDCL) which works out to be 11.37% which is more than 3 times than 4% approved rate as per Regulation 353(b) of AERC (Tariff) Regulation, 2006 for gas plants.

They further submitted that the tariff Regulation, 2006 are statutory in nature and hence the Hon'ble Commission ought to follow the provisions of the Tariff Regulation, 2006 and restrict the initial capital spares to 4% of the original project cost. They also quoted the recent APTEL Judgment dated 11.11.2011 in this regard.

**(b) Submission of EIPL:** It is submitted that the Respondent had incurred additional capital cost of Rs. 10.59 Cr. strictly in line with the PPA clause 1.7. They also mentioned that APDCL in the course of hearing conducted by the Commission stated that the matter of additional capital cost be decided by the Commission. They further

said that the Hon'ble Commission has done prudent check on the capital cost and the same has been well reasoned out under section 5.2.1 of the order. In view of above, no review of additional cost required to be carried out.

They further stated that the reference of APTEL Judgement OP No. 1 of 2011 dated 11.11.2011 is misleading and hence denied.

**(c) Observations of the Commission:** The admissibility of Additional capital spares of Rs. 9.821 Cr. was clearly explained in section 5.2.1 of the order. As mentioned therein, the relevant provision of AERC Tariff Regulation, 2006 could not be applied in case of EIPL plant which were commissioned in 1997-98. So, the Commission relied upon CERC (Tariff) Regulation, 2001 which stipulates that the project cost shall involve reasonable amount of capitalized initial spares. The PPA clause 1.7 also specifies that the total project cost will cover all expenditure till the C.O.D. plus additional cost which inter-alia includes cost of initial spares for five years of operation, metering equipment, communication equipment etc.

The Commission thoroughly examined item wise details of statement of spares indicating part no. and details of expenditure including physical utilization certificate based on which, the Commission noted that almost 93% of the additional capital spares utilized by 2002-03 i.e. five years from C.O.D. Accordingly the Commission approved Rs. 9.821 Cr. against Rs. 10.59 Cr. claimed by EIPL.

The Commission observed that Rs. 125.637 Cr. was approved as total capital cost for both EIPL plants which includes Rs. 1.0043 Cr. as cost of initial spares purchased after C.O.D. Accordingly, the total additional capital cost works out to be Rs. 10.825 Cr. which is 8.6% of the approved capital cost.

While allowing additional cost, the Commission has followed the principles of CERC Tariff order dated September, 2005 and February, 2008 for similar plant i.e. Agartala CCGT of NEEPCO commissioned in 1998-99 wherein additional capital cost allowed was 12.31% upto 2005-06.

The Commission noted that the reference of specified provisions in AERC tariff Regulations, 2006 and recent APTEL Judgement dated 11.11.2011 by APDCL are misleading and not relevant to this case.

### **3.4 DEBT EQUITY RATIO:**

#### **(a) Submission of APDCL**

**(i)** The debt equity norms should have been fixed at 70:30 as per provisions of AERC (Tariff) Regulation, 2006 instead of actual Debt:Equity ratio allowed by the Commission i.e. 65:35 for Adamtila and 61:39 Banskandi.

**(ii)** The Petitioners reiterates the submission in para 18 and 19 i.e. the Commission is bound to follow the provisions of tariff Regulation,

2006 which is statutory in nature and they also quoted reference to recent APTEL judgement dated 11.11.2011 in this regard.

(b) **Submission of EIPL:** EIPL has denied the contention of para 20 & 21 of the review petition in the light of their comment in para 13 wherein they stated that the APTEL Judgement dated 14.11.2006 relates to normative debt-equity ratio of 50:50 and hence it is distinguished from the instant case where the actual debt equity ratio is slightly higher than the stated norms of 70:30 as allowed by the Commission.

(c) **Observations of the Commission:** As the provisions of the PPA is silent on the approved financial structuring in terms of debt:equity ratio and since no debt equity ratio is notified for the EIPL plants in the AERC tariff regulation, 2006, the Commission approved the final debt:equity ratio after prudent check based on actual equity infusion by the developer upto the FY 2000-01. While allowing the actual debt:equity ratio, the Commission took note of the CERC tariff order September, 2005 wherein debt:equity ratio at 50:50 was considered as per CERC Regulation, 2001 which stipulates that debt:equity be computed as per financial package approved by CEA or appropriate independent agency as the case may be. In the instant case, the Petitioner itself considered actual debt:equity ratio in their tariff petition 2008-09 against debt equity ratio norms of 70:30 which is only applicable for investment from 2006-07 as per AERC Tariff Regulation, 2006. The approved debt:equity ratio has been slightly increased due to additional capital cost allowed by the Commission as equity.

### 3.5 **DEEMED GENERATION:**

(a) **Submission of APDCL:** The review Petitioner's submission is that the Hon'ble Commission has allowed full fixed charge recovery at a normative PLF even though the actual PLF was not achieved as per the target. This has resulted an additional burden of Rs. 5.9235 Cr. on the APDCL which needs to be passed through in the distribution tariff. Additionally, this will make the supplier's eligibility for claiming PLF incentive thereby resulting further burden on the consumer.

(b) **Submission of EIPL:** It is submitted that the Hon'ble Commission aptly allowed the full charges at normative PLF because as per PPA, the normative PLF is to be computed for actual and deemed generation. They stated that the actual generation as per target could not be achieved due to non-availability of gas and other deemed generation situation caused by reasons not attributable to the EIPL. It is pleaded that such recovery of full fixed charges be also allowed in futures year in the same principle as contained in the instant order.

(c) **Observations of the Commission:** In clause 6 of the tariff order, the Commission very clearly explained why full fixed charges recovery was allowed for 2008-09 as a onetime measure. The

Commission could not evaluate the quantum of deemed generation due to submission of inadequate and infirm data and information which are not jointly certified by APDCL and EIPL. So, the Commission in its directives, orders that the plant generation scheduling to be linked with SLDC through robust real time communication link for integrated operations of the EIPL plants with the grid in order to compute inter-alia the deemed generation quantum, if any for consideration and approval.

In the clause 5.2.9, it is clearly mentioned that incentive in terms of PLF is payable w.e.f. 24.05.2006 only on actual generation exceeding targeted PLF as per AERC tariff Regulation, 2006. Hence, no incentive on PLF is payable in the instant case.

### **3.6 DEPRECIATION:**

(a) **Submission of APDCL:** The review petition is only seeking clarification that the depreciation rate of 6% allowed by the Commission should be applicable only for additional capitalization allowed as the depreciation on the original capital cost of Rs. 125.63 Cr. already stand paid in earlier years.

(b) **Submission of EIPL:** The Hon'ble Commission has rightly stated that the remaining depreciation including the additional cost approved should be charged @ 6% till the allowed depreciation on the total capital cost is over.

(c) **Observations of the Commission:** As per guidelines of Govt. of India notification dated 30.03.1992 and as per clause 3.3(d) of the PPA, the depreciation rate is pursuant to GOI guidelines as notified from time to time. With the notification of AERC (Tariff) Regulation, 2006 w.e.f. 24.05.2006, the Commission accordingly followed the depreciation schedules notified by CERC wherein the depreciate rate declared for gas plant as 6%.

In the clause 5.2.4, the Commission has clearly noted that depreciation charges were paid @ 8.05% to EIPL prior to 2008-09 and accordingly, the remaining depreciation charges, if any after prudent check be allowed on the total approved capital cost including additional capital cost allowed by the commission in the remaining period which shall not however exceed 90% of the total approved project cost including the approved additional capital cost.

### **4. Curtailment of Gas Supply to Banskandi Plant of EIPL by AGCL and ONGCL due to non-payment of gas bills w.e.f. November, 2010:**

Although this issue is not directly related to the subject matter of the review petition filed by APDCL, keeping in view the urgency of the matter for early resolution, the Commission deemed it appropriate to take up the matter for deliberation in the Hearing. Details on the issue are stated as under:



M/s EIPL informed vide their letter No. EIPL-ASEB-C-2011-911 dated 19.12.2011 that it had raised a supplementary invoice for the Year 2008-09 for Rs 10.64 Cr against sale of power to ASEB in line with the final tariff order dated 20.10.2011. M/s EIPL also informed the Commission vide another letter having same date and No. EIPL-ASEB-C-2011-835 that APDCL rejected the invoice of EIPL for November 2011 raised in line with the tariff order dated 20.10.2011 stating that it has been following the MYT order issued by the Commission for FY 2010-11 to 2012-13.

On the other hand, the Assam Gas Company Limited (AGCL) vide letter no. Accounts/TC/D-070/P.07/278 dated 31.12.2011 issued final notice to EIPL for disconnection of gas supply to their Banskandi plant due to non-payment of gas bills amounting to Rs. 10.82 Cr w.e.f. November 2010. A copy of this letter was also marked to the Commission for information.

M/s EIPL brought to the notice of the Commission vide copy of their letter NO. EIPL-AGCL-C-2012-988 dated 09.04.2012 that M/s AGCL issued notice to EIPL that gas supply to their Banskandi Power Plant would be discontinued w.e.f 11.04.2012 due to non-payment of outstanding dues amounting to Rs 14.52 Cr as on 31.03.2012. M/s EIPL requested the Commission to issue directions to APDCL to release of their outstanding payment against power supply as claimed.

Considering the circumstances of the case, the Commission directed APDCL vide letter No. AERC.316/2008/Pt-III/23 dated 16.04.2012 to comply with the final Tariff Order for FY 2008-09 and MYT order 2010-13 and release any outstanding payment to EIPL with immediate effect. APDCL was also directed to submit the detailed status of payment on monthly basis to EIPL from FY 2008-09 to FY 2011-12 i.e. for a period of four years.

APDCL submitted the payment details vide their letter No. GM(COM-T)/AERC/EIPL\_Matters/Part III/2011/24 dated 27.07.2012 as directed by the Commission. From these statements, it could be seen that APDCL made payment to EIPL since FY 2008-09 to FY 2011-12 as per provisional tariff order for the Adamtilla and Banskandi Power Plants for FY 2008-09 and FY 2009-10 issued by AERC. APDCL declined payment of bills to EIPL as per final tariff order dated 20.10.2011 on the plea that it had filed a review petition before the Commission and the matter is sub-judice. It was stated that APDCL made regular payments to M/s EIPL against fuel bill amounting to Rs 10.66 Cr since November 2010 upto March, 2012. However, M/s EIPL had not made any payment till date against gas bills to M/s AGCL which resulted in an outstanding payment of Rs. 14.52 Cr for the same period.

Further, it was brought to the notice of the Commission by EIPL vide letter No. EIPL-AERC-L-2012-1028 dated 28.08.2012 that ONGCL was contemplating to cut 25% of gas supply to Banskandi power plant w.e.f.31.08.2012 due to non-payment of gas charges by AGCL. It was

also informed that this cut would severely hamper the operation of the power plant and hence power supply situation in Barak Valley. Meanwhile, as already notified, ONGCL had resorted to 25% cut in gas supply to the Banskandi power plant of EIPL.

During the course of the hearing on 03.09.2012, the Counsel for APDCL stated that the petitioner had already submitted the details to the Commission vide letter dated 27.07.2012 regarding payments made to M/s EIPL against fuel bills since November 2010 upto March, 2012 which amounted to Rs 10.66 Cr but the respondent for reasons best known to them had not made any payment to M/s AGCL against fuel bills outstanding for the period.

The Commission asked the respondent to clarify the matter regarding payment of gas bills and signing of Gas Supply Agreement with AGCL.

The representative from the respondent stated that M/s EIPL had not received any copy of the letter dated 27.07.2012 and therefore refrained from making any comment on the matter. Regarding Gas Supply Agreement (GSA) with M/s AGCL, a clear position could not be submitted to the Commission. However, it was stated by both representatives from M/s EIPL that the matter was relentlessly being pursued with M/s AGCL and the representatives assured that EIPL would clear the gas bills on priority once payment of the outstanding dues was made by APDCL and subsequently the GSA would be executed.

After hearing both the petitioner and respondent on the issue, the commission suggested that both APDCL and EIPL should sit together and reconcile the payments made against fixed and variable charges till date. The Commission further stated that this exercise of reconciliation should be carried out regularly every month. Further, it directed M/s EIPL that a substantial portion of the payments received (at least 60%) from APDCL should be utilized to pay the gas bills of AGCL regularly. Besides, APDCL was also asked to make payments to M/s EIPL as per final tariff determined by the Commission for the two power plants of Adamtilla and Banskandi in its tariff order dated 20.10.2011 for FY 2008-09.

**After deliberating on the above, the Commission makes further observations and issues directions as under:**

- i) The Commission reiterates that full fixed charges recovery was allowed in Tariff Order dated 20.10.2011 for 2008-09 as a onetime measure only for reasons already explained above. Similarly, Incentive in terms of PLF is payable w.e.f. 24.05.2006 only on actual generation exceeding targeted PLF as per AERC tariff Regulation, 2006. Hence, no incentive on PLF is payable in the instant case.
- ii) Regarding depreciation, PLF, GSHR, deemed generation, additional capital spares, D/E ratio etc, the Commission has already dealt with

these items at length in its Order dated 20.10.2011 and observations of the Commission are also briefly noted in paragraphs above.

- iii) **The Commission would like to state that the stand taken by the APDCL in their letters dated 05.12.2011 and 27.07.2012 that payment of bills on the basis of the final tariff Order dated 20.10.2011 is not admissible on the plea that a review petition was filed against the same and hence the matter is subjudice is not maintainable. The Commission's final tariff order dated 20.10.2011 holds the field. No doubt that APDCL filed a review petition before the Commission against the said order, but the Commission had not passed any interim stay of its order while admitting the review petition. The petitioner had also not prayed for any stay of the tariff order till disposal of the review petition. The earlier provisional order passed by the Commission had already been merged with the final order.**

The Commission also notes with concern that the petitioner should avoid dichotomy (double standards) while procuring power from generating sources. While the petitioner has honoured the Tariff Order for 2010-13 passed by AERC on 16.05.2011 in respect of fixed and variable charges for state owned power stations (NTPS and LTPS), the tariff order for M/s EIPL owned plants at Adamtilla and Banskandi passed by the Commission on 20.10.2011 has not been followed. Further, it is noted that the petitioner has been procuring power from other generating sources like NTPC etc at much higher price (above Rs 4.00 per unit) than the power from power plants of M/s EIPL (Rs 2.29/ per unit for Adamtilla and Rs 2.26 per unit for Banskandi).

In view of the above, the Commission directs that the final tariff order dated 20.10.2011 be followed by APDCL with immediate effect while calculating fixed and variable charges for the power plants of M/s EIPL.

- iv) **The Commission directs that both APDCL and EIPL should sit together and reconcile the current as well as outstanding payments made against fixed and variable charges till date within 15 days from the date of this order. The Commission further directs that this exercise of reconciliation should be continued and carried out regularly on monthly basis with intimation to the Commission.**
- v) It was noted by the Commission that that EIPL has not made any payment till date against fuel bill to AGCL since November 2010 which resulted in an outstanding payment of Rs. 14.52 Cr. to AGCL upto March, 2012 even though APDCL released gas bills of Rs. 10.66 Cr to EIPL for the same period. **The Commission therefore, directs M/s EIPL that at least 50% - 60% portion of the payments received from APDCL during this period should be utilized to pay the**

**outstanding and current gas bills of AGCL. The Commission further directs that M/s EIPL should make payments to the gas supplier regularly to avoid gas supply discontinuation/ curtailment by the supplier.**

- vi) In the interest of continuation of generation of the EIPL plants, the Commission directed in its order dated 20.10.2011 that Renewal of Gas Supply Agreement (GSA) be made positively by 31<sup>st</sup> December, 2011. M/s EIPL failed to comply with this directive of the Commission. **The Commission once again directs M/s EIPL that the GSA with AGCL be renewed within 31.10.2012 and also efforts be made by M/s EIPL that the gas commitment to the plants is enhanced for full capacity generation of the plant. APDCL is also directed to provide necessary assistance by taking up these long pending issues with the Government of Assam for early settlement,**
- vii) The Commission once again directs M/s EIPL that the plant generation scheduling be linked with SLDC through robust real time communication link for integrated operation of the EIPL plants with the grid. APDCL is directed to provide all assistance to EIPL in this regard.

Petition No. 6 /2012 stands disposed of.

Inform all concerned accordingly.

Sd/-  
(T. Chatterjee)  
Member,  
AERC

Sd/-  
(R.K. Gogoi)  
Member,  
AERC

Sd/-  
(J. Barkakati)  
Chairperson,  
AERC