

Ref .No: 01: CD: 407

केन्द्रीय कार्यालय / Corporate Centre  
Date: 22.02.2020

To,  
Chairman & Managing Director  
Assam Power Distribution Company Ltd (APDCL)  
4th Floor, Bijulee Bhawan  
Paltan Bazar  
Guwahati - 781001.

**Sub: Regulation Notice;**

**Regulation of power supply to the APDCL as per provisions of the CERC (Regulations of Power Supply) Regulations, 2010 (as amended), Various GOI letters regarding allocations of power from NTPC Stations and various PPAs signed with APDCL.**

Dear Sir,

1. You are kindly aware that the bills raised by NTPC on APDCL for energy supplied by NTPC from various stations are to be paid within due dates. As on date, a total of **Rs 329.15 Cr** remains unpaid, out of which **Rs 155.50 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, 19.02.2020, APDCL 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 Assam, RBI and Govt of India which is applicable for supply of electricity from NTPC stations to state of Assam 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**

3. 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.5/19/2005-Th.II dated 13.10.2008 is as given below :

**Quote**

*“ 4. The above allocation will further be subject to the beneficiary States ensuring compliance with the financial and commercial terms (including coverage for Letter credit) of the Power Purchase Agreements (PPA) signed with NTPC Ltd, the tariff notification and any other directives/guidelines issued by the Government of India/Central Electricity Regulatory commission from time to time.*

*5. In case of failure of the beneficiary States adhering to the condition mentioned above, NTPC Ltd. may shut off or restrict power supply from the power station and also reallocate the Power in case beneficiary States default in payment or where they have not opened LCs of an adequate amount in favour of NTPC Ltd. NTPC Ltd. Would inform Member Secretary of the concerned regional Power Committee of the revised allocation of power in respect of the defaulting beneficiary state/states.*

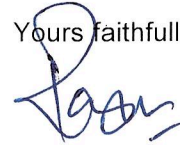
**Unquote**

4. An amount of **Rs 155.50 Cr** has remained unpaid beyond due dates. Notice for regulation of power supply on APDCL is hereby given for effecting regulation of power supply to APDCL 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.
5. In view of above, power supply to the extent of 100% allocated from NTPC Stations will be regulated to APDCL as per the details given below:
- i) Quantum and source of power from which regulation / diversion is proposed: **591.05 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 North Eastern and other regions to indicate their requirements. As soon as we receive any response from these constituents for absorption of regulated power of APDCL, the same would be communicated to NERLDC.
6. 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”.

7. 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 APDCL 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. Executive Director  
North Eastern Regional Load Dispatch Centre  
POWERGRID Complex, Lower Nongrah,  
Lapalang, P.O : Rynjah  
Shillong-793006
2. The Executive Director  
Eastern Regional Load Dispatch Centre  
14 Golf Club Road, Tollygunje,  
Kolkatta-700033

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



ED (Commercial)

3. Member Secretary, NERPC
4. Member Secretary, ERPC

Distribution List:

- Chairperson, CERC
- Chairman, NERPC
- Chairman, ERPC
- Chief Secretary, Govt of Assam
- Principal Secretary Power(E), Govt. of Assam
- JS (Thermal), MoP

**Annexure-A**

**Allocation from operating stations of NTPC**

Sl.No	Name of the Station	Installed Capacity (MW)	Allocation for Assam (MW)
1	TSTPS - I	1000	21.87
2	FSTPP I&II	1600	40.76
3	KhSTPP - I	840	18.45
4	KhSTPP - II	1500	77.78
5.	Bongaigaon	750	432.19
<b>Total from Stations of NTPC</b>			<b>591.05</b>