

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram :**

1. Shri Ashok Basu, Chairperson
2. Shri Bhanu Bhushan, Member

**Petition No.106/2006**

**In the matter of**

Final tariff of Unit-I (500 MW) for the period 15.8.2005 to 31.3.2006 and Units I & II (Combined) for the period 1.4.2006 to 31.3.2009 of Rihand STPS Stage II.

**And in the matter of**

National Thermal Power Corporation Ltd.

.... **Petitioner**

**Vs**

1. Uttar Pradesh Power Corporation Ltd, Lucknow
2. Jaipur Vidyut Vitran Nigam Ltd, Jaipur
3. Ajmer Vidyut Vitran Nigam Ltd, Ajmer
4. Jodhpur Vidyut Vitran Nigam Ltd, Jodhpur
5. Delhi Transco Ltd., New Delhi
6. Haryana Power Generation Co. Ltd., Panchkula
7. Punjab State Electricity Board, Patiala
8. Himachal Pradesh State Electricity Board, Shimla
9. Power Development Department, Govt. of J&K, Jammu
10. Power Department, Chandigarh Administration, Chandigarh
11. Uttaranchal Power Corporation Ltd., Dehradun

.... **Respondents**

**Petition No.140/2005**

**In the matter of**

Determination of tariff for Ramagundam Super Thermal Power Station, Stage-III for the period 25.3.2005 to 31.3.2009

**And in the matter of**

National Thermal Power Corporation Ltd.

....**Petitioner**

**Vs**

1. Transmission Corporation of Andhra Pradesh, Hyderabad
2. AP Eastern Power Distribution Co. Ltd., Visakhapatnam
3. AP Southern Power Distribution Co. Ltd., Tirupathi
4. AP Northern Power Distribution Co. Ltd., Warrangal
5. AP Central Power Distribution Co. Ltd., Hyderabad
6. Tamil Nadu Electricity Board, Chennai
7. Karnataka Power Transmission Corporation, Bangalore
8. Bangalore Electricity Supply Co. Ltd., Bangalore
9. Mangalore Electricity Supply Co. Ltd., Mangalore
10. Chamundeswari Electricity Supply Co. Ltd., Mysore

11. Gulbarga Electricity Supply Co. Ltd., Gulbarga
12. Hubli Electricity Supply Co. Ltd., Hubli
13. Kerala State Electricity Board, Thiruvananthapuram
14. Electricity Department, Govt. of Pondicherry, Pondicherry ... **Respondents**

**Petition No.179/2004**

**In the matter of**

Petition for approval of tariff for power supplied from Talcher STPS Stage-II (4x500 MW) for the period 1.4.2004 to 31.3.2009.

**And in the matter of**

National Thermal Power Corporation Ltd.

....**Petitioner**

Vs

1. Transmission Corporation of Andhra Pradesh Ltd., Hyderabad
2. Tamil Nadu State Electricity Board, Chennai
3. Karnataka Power Transmission Corporation Ltd., Bangalore
4. Kerala State Electricity Board, Trivandrum
5. Electricity Department, Govt. of Pondicherry, Pondicherry ...**Respondents**

**ORDER**

The Commission by its order dated 12.12.2006 in Petition No.106/2006 (Determination of tariff of Rihand STPS Stage-II), directed the petitioner to furnish, inter alia, the following information:

(a) Details of expenditure actually incurred up to 15.8.2005 (date of commercial operation of Unit I) and up to 1.4.2006 (date of commercial operation of Units I and II) and capitalized by NTPC; and

(b) Liabilities included in the capital cost on accrual basis, that is, liabilities for which provisions have been made in the capital cost.

2. In addition to the above, the petitioner was asked to furnish certain other details. These details have been filed.

3. In regard to the information asked for and referred to at the opening para of this order, the petitioner in its affidavit dated 15.1.2007 has sought to make out that the liabilities incurred are part of the actual expenditure and therefore, the details already furnished which are inclusive of the liabilities incurred, should be considered for the purpose of determination of tariff. In support of its argument, the petitioner has relied upon statutory provisions of the Companies Act, meaning of the word 'incurred' given in legal dictionaries as also some cases decided by the Hon'ble Supreme Court in the context of tax laws or election laws. The petitioner has also sought to support its contention by some illustrations.

4. The issues raised by the petitioner will be examined in the final tariff order, hearing the parties, that is, the petitioner and the respondents. Meanwhile, in exercise of powers under Regulation 55 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, we direct the petitioner to furnish the following information.

(a) Actual cash outflow on capital assets as on 15.8.2005 (for Unit I) and 1.4.2006 (for Units I and II);

(b) Expenditure capitalized in the books of account on the respective date against the actual cash outflow as per (a) above;

(c) Deferred liabilities, that is, the liabilities on account of which there was no actual cash outflow but for which commitments have been made; and

(d) Reasons for not making cash outflows in respect of the deferred liabilities, against (c) above.

5. Information as per para 4 above shall also be furnished by the petitioner in Petition No.140/2005 (Determination of tariff of Ramagundam STPS Stage-III) and Petition No.179/2004 (Determination of tariff for Talcher STPS Stage-II), Unit-wise separately for each Unit.

6. The information as per paras 4 and 5 above shall be furnished latest by 28.2.2007 duly supported by affidavit, with a copy to the respondents.

Sd/-  
**(BHANU BHUSHAN)**  
**MEMBER**

Sd/-  
**(ASHOK BASU)**  
**CHAIRPERSON**

**New Delhi dated the 8<sup>th</sup> February, 2007**