

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

1. **Shri Bhanu Bhushan, Member**
2. **Shri A.H. Jung, Member**

Petition No.151/2006

In the matter of

Petition under Section 79 of the Electricity Act, 2003 read with Regulations 12 and 13 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004.

And in the matter of

Himachal Pradesh State Electricity Board

.... **Petitioner**

Vs

1. Satluj Jal Vidyut Nigam Limited, Shimla
2. Punjab State Electricity Board, Patiala
3. Haryana Power Generation Corporation Limited, Panchkula
4. Delhi Transco Ltd., New Delhi
5. Jaipur Vidyut Vitran Nigam Ltd., Jaipur
6. Ajmer Vidyut Vitran Nigam Ltd., Jaipur
7. Jodhpur Vidyut Vitran Nigam Ltd., Jaipur
8. Power Development Department, Govt.of J&K, Jammu
9. Engineering Department, Chandigarh Administration, Chandigarh
10. Uttar Pradesh Power Corporation Ltd., Lucknow
11. Principal Secretary (Power), Govt of Himachal Pradesh, Shimla...**Respondents**

The following were present:

1. Shri M.G. Ramachandran, Advocate, HPSEB
2. Shri Anand K. Ganesan, Advocate, HPSEB
3. Ms Swapna Seshadri, HPSEB
4. Er. Deepak Uppal, HPSEB
5. Shri J.P. Kalra, HPSEB

**ORDER
(DATE OF HEARING: 16.1.2007)**

The present petition raises the question of sharing of capacity charges by the beneficiaries of Nathpa Jhakri Hydro-electric Project, jointly owned by the Central Government and the Government of Himachal Pradesh. The methodology for sharing

of capacity charges between different beneficiaries of a generating station is specified by the Commission in Regulation 48 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004.

2. It has been stated that beneficiary States in Northern Region were allocated and re-allocated power generated at Nathpa Jhakri HEP during the period April 2004 to March 2006 in varying proportions. The petitioner has submitted that because of this, it will be inequitable to enforce the methodology specified in Regulation 48 ibid for recovery of capacity charges. The petitioner accordingly seeks relaxation or removal of difficulty in apportionment of the capacity charges.

3. We have heard Shri M.G. Ramachandran, Advocate for the petitioner on admission. We direct the petitioner to file the letters of allocation/re-allocation of the capacity of Nathpa Jhakri HEP to different beneficiary States in Northern Region from time to time, duly supported by affidavit. Shri Ramachandran has submitted that the information will be furnished within three weeks. The petitioner shall also clarify whether or not the consent of the State of Himachal Pradesh was received at the allocation/re-allocation of power.

4. Re-notify for hearing on admission on 13.2.2007.

Sd/-
(A.H. JUNG)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

New Delhi dated the 17th January, 2007