

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Shri Ashok Basu, Chairman**
- 2. Shri K.N.Sinha, Member**
- 3. Shri Bhanu Bhushan, Member**

**IA No.66/2003
In
Petition No.41/2001**

In the matter of

Approval of tariff for the period from 1.4.2001 to 31.3.2004 of Feroz Gandhi Unchahar Thermal Power Station

And in the matter of

National Thermal Power Corporation Ltd.

...Petitioner

Vs

1. Uttar Pradesh Power Corporation Ltd., Lucknow
2. Rajasthan Rajya Vidyut Prasaran Nigam Ltd, Jaipur
3. Delhi Vidyut Board, New Delhi
4. Haryana Vidyut Prasaran Nigam Ltd, Panchkula, Haryana
5. Punjab State Electricity Board, Patiala
6. Himachal Pradesh State Electricity Board, Shimla
7. Power Development Department, Govt. of J&K, Srinagar
8. Power Department Union Territory of Chandigarh, Chandigarh
9. Uttaranchal Power Corporation Ltd., Dehradun

. Respondents

The following were present

1. Shri Shyam Moorjani, Advocate, UPPCL
2. Shri D.D. Chopra, Advocate, UPPCL
3. Shri T.K. Srivastava, UPPCL
4. Shri M.G. Ramachandran, Advocate, NTPC
5. Shri V.B.K. Jain, GM (Comml), NTPC
6. Shri M.S. Chawla, AGM (Comml), NTPC
7. Shri S.K. Samvi, NTPC
8. Shri D.G. Salpekar, NTPC
9. Shri A.K. Poddar, NTPC
10. Shri T.P.S. Bawa, Superintending Engineer, PSEB
11. Shri K.K. Mittal, XEN(ISP), RRVPNL
12. Shri T.C. Nigolgi, XEN, RRVPNL

And in the matter of

Uttar Pradesh Power Corporation Ltd

.....Applicant

**ORDER
(DATE OF HEARING 3.3.2004)**

National Thermal Power Corporation Ltd, the petitioner had filed the petition for approval of tariff for Feroze Gandhi Unchahar Thermal Power Station for the period from 1.4.2001 to 31.3.2004. At the hearing of the petition on 28.8.2003, the Commission had directed the petitioner to discuss certain issues raised by the Commission's staff and the respondents, including the applicant and to file an appropriate affidavit to clarify the issues raised and the discrepancies pointed out. At the said hearing it was also agreed by the representatives of the parties that no fresh hearing was needed and that the final order could be passed by the Commission on consideration of the clarifications. These oral directions were followed up in writing by the order dated 2.9.2003.

2. The various issues were discussed in the meeting held on 2.9.2003 in pursuance of the above noted directions, which, among others, was attended by the applicant. Based on the discussions, an affidavit was filed on behalf of the petitioner on 10.9.2003. After taking into account the clarifications received from the petitioner, the petition was disposed of by the Commission vide its order dated 24.10.2003 whereby the Commission determined final tariff in respect of Feroze Gandhi Unchahar Thermal Power Station.

3. The present application (IA No 66/2003) has been filed by Uttar Pradesh Power Corporation Ltd, the applicant, alleging that the petitioner has not complied with the directions contained in the order dated 2.9.2003 since it has not filed the affidavit as directed. A fresh direction has been sought to the petitioner to file the necessary

clarifications. It is further played that the transfer price for Feroze Gandhi Unchahar Thermal Power Station cannot be taken as the capital base for determination of tariff.

4. We heard Shri Shyam Moorjani Advocate along with Shri DD Chopra, Advocate for the applicant, Uttar Pradesh Power Corporation Ltd. Learned Counsel stated that an application has also been filed for review of order dated 24.10.2003.

5. The basic grievance projected by the applicant in the present application is that the petitioner had failed to comply with the direction of the Commission. The grievance is unfounded. As we have noticed above, the affidavit was filed by the petitioner on 10.9.2003 in compliance with the Commission's directions. The details contained therein have been taken into consideration, to the extent necessary, while passing the tariff order dated 24.10.2003. The records of the Commission reveal that a copy of the affidavit was served on the applicant, along with other respondents in the main petition.

6. In view of the above-noted facts, in particular the factum of disposal of the main petition, the present application is not maintainable and is hence dismissed.

7. We direct that the application for review filed by Uttar Pradesh Power Corporation Ltd referred to in para 4 above shall be processed for hearing by the office.

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated 11th March, 2004