

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Record of Proceedings

Petition No.120/2005

Subject: Determination of tariff for Kahalgaon STPS for the period from 1.4.2004 to 31.3.2009.

Coram: Dr. Pramod Deo, Chairperson
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member

Date of Hearing: 5.11.2009

Petitioner: NTPC

Respondents : MPPTCL, WBSEB, BSEB, JSEB, GRIDCO, DVC, PD, Govt. of Sikkim, TNEB, KSEB, Electricity Deptt, UT Pondicherry, UPPCL, PDD, Govt. of J&K, DTL, UT Chandigarh, MSEDCL, GUVNL, Admn of Daman and Diu and Admn.of Dadra and Nagar Haveli

Parties present: Shri M.G.Ramachandran, Advocate, NTPC
Shri V.K.Padha, NTPC
Shri G.K.Dua, NTPC
Shri D.Kar, NTPC
Shri Pradip Mishra, Advocate, MPPTCL
Shri Dilip Singh, MPPTCL

Based on the directions contained in order dated 29.9.2009 in Review Petition No. 86/2007, the main petition was set down for hearing to consider the question of capitalization of FERV in respect of determination of tariff for Kahalgaon STPS (hereinafter referred to as "the generating station") for the period from 1.10.2007 to 31.3.2009.

2. Learned counsel for the respondent MPPTCL, submitted that the only issue raised by MPPTCL in the Review Petition No.86/2007 was the capitalization of FERV and the Commission has allowed its prayer in the review petition by its order dated 29.9.2009. He also submitted that in terms of the said order, tariff for the generating station should be revised.

3. Learned counsel for the petitioner referred to the record of the proceedings of the hearing held on 30.7.2009 and submitted that the petitioner and the respondents had put forth their respective submissions on merits and no further submissions were required to be made in the petition. The learned counsel also referred to para 5 of the

record of proceedings of the hearing held on 30.7.2009 and submitted that the Commission while reserving its orders had directed MPPTCL to submit documents to show that the equity remained constant in cases of Power Grid. He added that the affidavit dated 18.8.2009 filed by MPPTCL do not contain any information on this count. The learned counsel for the petitioner prayed that the respondent MPPTCL be directed to submit the information with a copy to the petitioner, before any orders are passed in the petition.

4. In response, the learned counsel for the respondent MPPTCL clarified that it had not filed the requisite information in view of the fact that the Commission had allowed its prayer by order dated 29.9.2009 in the said Review Petition. The learned counsel prayed that the respondent MPPTCL may be granted two weeks time to file the documents/information as directed by the Commission during the hearing on 31.7.2009.

5. The Commission directed the respondent MPPTCL to file the required information, with copy to the petitioner, latest by 20.11.2009.

6. Subject to the above, order in the petition was reserved.

Sd/-
(T.Rout)
Joint Chief (Legal)