

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 6/2011
in
Petition No. 230/2009**

**Coram: 1. Dr. Pramod Deo, Chairperson
2. Shri V.S.Verma, Member
3. Shri M.Deena Dayalan, Member**

Date of Hearing: 28.6.2011

Date of order: 1.7.2011

In the matter of

Review of Order dated 31.8.2010 in Petition No.230/2009 pertaining to fixation of tariff in respect of for NLC TPS-I Expansion (2 X 210 MW), for the period from 1.4.2009 to 31.3.2014.

And in the matter of

Neyveli Lignite Corporation Ltd, Chennai

.....**Petitioner**

Vs

1. Tamil Nadu Electricity Board, Chennai
2. Power company of Karnataka Ltd, Bangalore
3. Kerala State Electricity Board, Thiruvananthapuram
4. Puducherry Electricity Department, Puducherry

..... **Respondents**

The following was present

1. Shri R.Suresh, NLC

ORDER

This application has been made by the petitioner, Neyveli Lignite Corporation Ltd, for review of order dated 31.8.2010 in Petition No. 230/2009, whereby the Commission approved the tariff in respect of for NLC TPS-I Expansion (2 X 210 MW) for the period 2004-09. The petitioner has sought review of the said order dated 31.8.2010 on the following issues, namely –

- (a) Additional capitalization for the period 2007-09 for common assets;
- (b) Capital cost as on 1.4.2010; and
- (c) Projected capital additions.

Condonation of delay

2. In its application, the petitioner has prayed for condonation of delay in filing the review application. During the hearing, the representative of the petitioner submitted that the order of the Commission dated 31.8.2010 was received on 13.9.2010 and after collection of information from various departments and authentication and processing the same, the review application could be filed only on 6.12.2010. He also submitted that the period of limitation for filing the said review application having expired on 28.10.2010, a delay of 29 days has occurred in filing the review application, which may be condoned by the Commission for the reasons stated therein and in the interest of justice.

3. The period of limitation for making an application for review is 45 days from the date of receipt of the order. However, this period could be extended or abridged by the Commission for "sufficient reason". The expression "sufficient reason" needs to be interpreted in the same manner as the expression "sufficient cause" under Section 5 of the Limitation Act, 1963. The Commission under Regulation 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 is authorized to condone delay in appropriate cases, on the petitioner showing "sufficient reason". We are also aware that a liberal approach needs to be adopted while considering such applications, to advance the cause of justice. In view of this, the prayer of the petitioner is accepted and the delay in filing the review application is condoned.

5. Heard the representative of the petitioner. Admit.

6. The petitioner is directed to serve copy of the application for review on the respondents, latest by 8.7.2011. The respondents may file their reply by 22.7.2011 on

the issues admitted for review, with a copy to the petitioner, who may file its rejoinder, if any, by 29.7.2011.

7. Matter to be listed for hearing on 4.8.2011.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[DR. PRAMOD DEO]
CHAIRPERSON