

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 23 of 2007**

**Subject:** Petition for revision of fixed charges due to additional capital expenditure incurred during 2004-05 and 2005-06 on fixed charges for Faridabad Gas Power Station, Stage-I (431.586 MW) in P.No.23/2007 - Pursuant to judgment dated 8.12.2010 in Appeal No.58/2009. passed by Appellate Tribunal for Electricity to consider the issue of cut-off date for additional capitalization in exercise of the 'Power to relax' in terms of the Judgment of the Tribunal dated 18.8.2010 in Appeal No.66/2008 (Talcher TPS).

**Petition No. 141 of 2009**

**Subject:** Petition for revision of fixed charges due to additional capital expenditure incurred during 2006-07, 2007-08 and 2008-09 for Faridabad Gas Power Station (431.586 MW) —Pursuant to judgment dated 20.10.2011 in Appeal No.74/2010, passed by Appellate Tribunal for Electricity to consider the issue of cut-off date for additional capitalization in exercise of the 'Power to relax' in terms of the Judgment of the Tribunal dated 18.8.2010 in Appeal No.66/2008 (Talcher TPS).

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

17.11.2011

NTPC

**Date of hearing:** Haiyana Power Purchase Centre (HPPC)

**Petitioner:** Shri Sameer Aggarwal, NTPC Shri

**Respondent:** Naresh Anand, NTPC Shri Ajay Dua.  
NTPC

**Parties present:**

**Record of Proceedings**

Pursuant to the directions contained in the Judgment of Appellate Tribunal for Electricity (the Tribunal) dated 8.12.2010 in Appeal No.58/2009 and judgment dated 20/10/2011 in Appeal No.74/2010, the above petitions were listed for hearing the parties on the question of relaxation of cut-off date of the generating station, for

additional capital expenditure for 2004-09, in exercise of 'Power to relax' under Regulation 13 of the 2004 regulations, by the Commission.

2. None appeared on behalf of the respondents. The representative of the petitioner submitted that the 'cut-off date for the generating station for the period 2004-09 may be relaxed by the Commission in exercise of its 'Power to relax', under Regulation 13 of the 2004 regulations, for the purpose of additional capital expenditure for the period 2004-06 in Petition No.23/2007 and for the period 2006-09 in Petition No. 141/09, keeping in view the observations of the Tribunal contained in the judgment of the Tribunal dated 18.8.2010 in Appeal No.66/2008, and the tariff for the generating station may be revised accordingly.

3. The Commission reserved its order in the petition.

(T.Rout)

Joint Chief(Law)