

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 15/2011 in Petition No. 104/2010

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

**Date of Hearing: 18.10.2011
Date of Order: 2.11.2011**

In the matter of

Review of Order dated 27.6.2011 in Petition No.104/2010 regarding fixation of generation tariff of Salal Hydroelectric Project (6 x 115 MW) for the period from 1.4.2009 to 31.3.2014.

AND IN THE MATTER OF

NHPC Ltd, Faridabad.

...Petitioner

Vs

1. Punjab State Electricity Board, Patiala
2. Haryana Power Generation Corporation Ltd., Panchkula
3. BSES-Rajdhani Power Ltd., New Delhi
4. Uttar Pradesh Power Corporation Ltd, Lucknow
5. BSES-Yamuna Power Ltd., New Delhi
6. Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Jaipur
7. North Delhi Power Ltd., Delhi
8. Jaipur Vidyut Vitaran Nigam Ltd., Jaipur
9. Jodhpur Vidyut Vitaran Nigam Ltd., Jodhpur
10. Uttarakhand Power Corporation of Ltd., Dehradun
11. Ajmer Vidyut Vitaran Nigam Ltd., Ajmer
12. Himachal Pradesh State Electricity Board, Shimla
13. Engineering Department, UT Secretariat, Chandigarh
14. Power Development Department, Govt. of J&K, Jammu

...Respondents

Parties present:

1. Shri S.K.Meena, NHPC
2. Ms.Gayatri Devi, NHPC
3. Shri R.Raina, NHPC
4. Shri Amrik Singh, NHPC

ORDER

This application has been made by the petitioner, NHPC Ltd, for review of order dated 27.6.2011 in Petition No. 104/2010, whereby the Commission

determined the tariff of Salal Hydroelectric Project (6 x 115 MW) (hereinafter "the generating station") for the period 2009-14. The petitioner has sought review of the said order dated 27.6.2011 on the following issues, namely –

- (a) Disallowance of additional capitalisation on certain assets/items for 2009-14; and
- (b) Error in calculation of depreciation;
- (c) Errors in the calculation of O&M expenses.

Condonation of delay

2. In its application, the petitioner has prayed for condonation of delay of 37 days in filing the review application. The petitioner has submitted that the order of the Commission dated 27.6.2011 was received on 3.8.2011 and the same was distributed to the different divisions of the petitioner company and the generating station for comments, as the original petition was filed based on the information/data of different sections /projects of the petitioner. The petitioner has also submitted that it had addressed letter dated 5.8.2011 to the Secretary of the Commission for reconsideration/review of errors and inconsistencies in the tariff order dated 27.6.2011 and there would be no delay in filing the application if the letter dated 5.8.2011 was considered. The petitioner has further submitted that there is effectively no delay in filing the present application from the date of receipt of the said order on 3.8.2011. The petitioner has prayed that the delay of 37 days in filing the review application was not deliberate and the same may be condoned by the Commission in exercise of power under Regulation 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 on 'sufficient reason'.

3. The period of limitation for making an application for review is 45 days from the date of receipt of the order. In the present case, the order dated 27.6.2011 in Petition No.104/2010 was received by the petitioner on 3.8.2011 and the review

application has been filed on 16.9.2011. Thus, there is effectively no delay in filing the review application. The prayer of the petitioner for condonation of delay in filing the review application is disposed of in terms of the above.

4. Heard the representative of the petitioner. Admit. Issue notice.

5. The petitioner is directed to serve copy of the application for review on the respondents, latest by 11.11.2011. The respondents may file their reply by 21.11.2011 on, with advance copy to the petitioner, who may file its rejoinder, if any, by 29.11.2011.

6. Matter to be listed for hearing on 8.12.2011.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR. PRAMOD DEO]
CHAIRPERSON