

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Interlocutory Application No. 31/2012

in

Docket No.22/GT/2011

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

Date of order: 27.6.2012

In the matter of

Approval of Generation tariff of Chamera Hydroelectric Project, Stage-III for the period from 1.9.2011 to 31.3.2014.

And

In the matter of

Interlocutory Application (I.A. 31/2012) for revision of Annexure-I of the petition

And

In the matter of

NHPC Ltd, Faridabad

.....**Petitioner**

Vs

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

.....**Respondents**

ORDER

The petitioner, NHPC Ltd, by its affidavit dated 29.8.2011, has filed this petition for approval of tariff of Chamera Hydroelectric Project, Stage-III ('the generating station") for the period from

from 1.9.2011 to 31.3.2014 based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, (hereinafter referred to as "the 2009 Tariff Regulations").

2. Regulation 5(1) and 5(2) of the 2009 Tariff Regulations provides as under:

"5. Application for determination of tariff.(1) *The generating company or the transmission licensee, as the case may be, may make an application for determination of tariff in accordance with Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004, as amended from time to time or any statutory re-enactment thereof, in respect of the units of the generating station or the transmission lines or sub-stations of the transmission system, completed or projected to be completed within six months from the date of application.*

(2) *The generating company or the transmission licensee, as the case may be, shall make an application as per **Appendix I** to these regulations, for determination of tariff based on capital expenditure incurred duly certified by the auditors or projected to be incurred up to the date of commercial operation and additional capital expenditure incurred duly certified by the auditors or projected to be incurred during the tariff period of the generating station or the transmission system:*

Provided that in case of an existing project, the application shall be based on admitted capital cost including any additional capitalization already admitted up to 31.3.2009 and estimated additional capital expenditure for the respective years of the tariff period 2009-14:

Provided further that application shall contain details of underlying assumptions for projected capital cost and additional capital expenditure, where applicable.

3. The petitioner in compliance with the above provision has filed this petition along with annexure, seeking approval of tariff of the generating station from the anticipated date of commercial operation, i.e. 1.9.2011 to 31.3.2014.

Interlocutory Application

4. During the pendency of the said petition, the petitioner has filed this interlocutory application for revision of Annexure-I of the petition, with the anticipated date of commercial operation of the generating station as 1.7.2012. In the said application, the petitioner has submitted that the generating station could not be declared under commercial operation on 1.9.2011 as envisaged earlier due to the delay in plugging of Diversion Tunnel (DT) and leakage in Head Race Tunnel (HRT) which are unforeseen and unavoidable circumstances. It has also submitted that the generating station is yet to be declared under commercial operation and out of the three units, only two units are ready to be declared under commercial operation as per Regulation 3(12) of the 2009 Tariff Regulations. The petitioner by its affidavit dated 1.3.2012 had also sought the

permission of the Commission to file interlocutory application as per revised date of commercial operation of the generating station. It has further been submitted that the instant application has been filed in accordance with Regulation 5 of the 2009 Tariff Regulations with the anticipated date of commercial operation of the generating station as 1.7.2012 with the prayer to allow the revision of Annexure –I of the tariff petition.

5. In the Interlocutory Application, the petitioner has sought permission for placing on record the revised tariff calculations formats as per Annexure-I in view of the revision in the date of commercial operation of the generating station. The prayer in the I.A being purely procedural in nature, we have decided to dispose of the said I.A by circulation, without holding any hearing.

6. The prayer of the petitioner in the said I.A has been examined. Regulation 5(1) of the 2009 Tariff Regulations provides for the filing of tariff application in respect of generating station which is projected to be declared under commercial operation within six months from the date of the application. In terms of this, the petitioner by affidavit dated 29.8.2011 had filed the tariff application with the anticipated date of commercial operation of the generating station as 1.9.2011. However, as the declaration of commercial operation has been delayed for more than six months and the generating station is now expected to be under commercial operation on 1.7.2012, this application seeking the revision of Annexure-I (Forms 1 to 16) of the tariff petition, has been filed, in line with the provisions contained in Regulation 5 of the 2009 Tariff Regulations. In the circumstances, we allow the prayer of the petitioner and the revised Annexure-I with the anticipated date of commercial operation of the generating station as 1.7.2012 is taken on record. The tariff petition shall stand modified accordingly.

7. Interlocutory Application is disposed of in terms of the above. The petition shall be listed for hearing in due course.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[V.S.VERMA]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER

Sd/-
[DR.PRAMOD DEO]
CHAIRPERSON