

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 13/2012

in

Petition No. 20/2010

**Coram: 1. Shri S.Jayaraman, Member
2. Shri M.Deena Dayalan, Member**

Date of Hearing: 7.8.2012

Date of Order: 9.8.2012

IN THE MATTER OF

Review of order dated 9.4.2012 in Petition No. 20/2010 regarding determination of generation tariff for NLC TPS-I (600 MW) for the period from 1.4.2009 to 31.3.2014.

AND

IN THE MATTER OF

NLC Ltd.

...Petitioner

Vs

1. Tamil Nadu Generation & Distribution Corporation Ltd., Chennai

....Respondents

Parties Present:

1. Shri R. Suresh, NLC
2. Shri N Murthy, NLC
3. Shri. S. Vallinayagam, Advocate, TANGEDCO
4. Shri S. Balaguru, TANGEDCO

ORDER

This application for review has been filed by NLC, the petitioner herein, against the order of the Commission dated 9.4.2012, read with corrigendum order dated 1.5.2012 in Petition No. 20/2010, pertaining to the determination of generation tariff in respect of NLC TPS-I (600 MW) (hereinafter referred to as 'the generating station') for the period from 1.4.2009 to 31.3.2014. Aggrieved by the said order, the petitioner has sought review on following issues:

(a) Disallowance of additional capitalization of common assets for the period 2007-09 and 2009-14,

(b) Capital cost as on 1.4.2009,

(c) Disallowance of projected direct capital Additions for the period 2009-14, and

(d) Adoption of normative O&M expenses in tariff computation as against the claim of actual O&M expenses.

2. During the hearing, the representative of the petitioner submitted that there is error apparent on the face of the order of the Commission on the above issues and prayed that the petition may be admitted and the said order may be reviewed after hearing the parties.

3. The learned counsel for the respondent submitted that the review application filed by the petitioner is not maintainable since the earlier orders of the Commission disallowing common assets etc. for the generating station have attained finality, as the same have neither been challenged on review before the Commission or in appeal before the Appellate Tribunal for Electricity. In response, the representative of the petitioner clarified that Review petitions No. 6/2011 and 17/2011 on similar issues have been filed in respect of the tariff orders passed by the Commission in Petition No. 230/2009 and 231/2009 pertaining to NLC TPS-I (Expansion) and NLC TPS-II, respectively. The Commission has admitted these review petitions and orders have been reserved after hearing the parties. He prayed that the instant review application may be admitted since similar issues are involved.

4. Heard the parties. On perusal of the records in Review Petition Nos. 6/2011 and 17/2011 which have been admitted, we find that some of the reliefs prayed for by the petitioner in the said petitions are similar to the reliefs prayed in the present review petition. Accordingly, the review petition is admitted on the above issues.

5. The petitioner is directed to serve copy of the review petition on the respondent, latest by 22.8.2012. The respondent may file its reply by 6.9.2012 with advance copy to the petitioner, who shall file its rejoinder, if any, latest by 13.9.2012.

6. Matter to be listed for hearing on 20.9.2012.

Sd/-
[M.DEENA DAYALAN]
MEMBER

Sd/-
[S.JAYARAMAN]
MEMBER