

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 12/RP/2012

Subject: Revision of order dated 20.4.2012 in Petition No. 239/2009 regarding determination of generation tariff for Anta Gas Power Station for the period from 1.4.2009 to 31.3.2014.

Date of Hearing: 18.9.2012

Coram: Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri V. S. Verma, Member

Petitioners: NTPC Ltd., New Delhi

Respondents: UPPCL and 12 others

Parties Present: Shri A K Bishoi, NTPC
Shri Rohit Chhabra, NTPC
Shri C. K. Mondol, NTPC
Shri Ajay Dua, NTPC
Shri A. Basuroy, NTPC
Shri Shankar Saran, NTPC
Shri R. B. Sharma, Advocate, BRPL, BSEB & JSEB
Shri Manoj Dubey, Advocate, MPPMCL
Shri Ashish Gupta, Advocate, BYPL
Shri Paresh B. Lal, BYPL
Shri Manish Garg, UPPCL
Shri Sameer Singh, NDPL

RECORD OF PROCEEDINGS

During the hearing the representative of the petitioner, NTPC submitted as under:

- a) The review petition was admitted *vide* interim order dated 12.7.2012, on the issue of disallowance of expenditure on account of GT-I compressor vanes in 2009-10.
- b) The reconditioning/replacement of compressor vanes is an integral part of R&M of Gas Turbine (GT) and it has been carried out in all three GTs during 2008-09 and 2009-10. In case of GT-1, this work could not be carried out in 2008-09 since the set of compressor vanes was not received, when the R&M was taken up. This balance work being of essential nature was carried out in 2009-10. Accordingly, the expenditure of ₹438.84 lakh was claimed during 2009-10.
- c) R&M was carried out on notional basis as 41% of gross block in all three GT's and the corresponding de-capitalization for GT-1 has already been considered in 2008-09. Further, the expenditure of reconditioning of compressor vanes has already been allowed for GT-2 and GT-3 by the Commission.

2. The learned counsel for the respondent, BRPL, submitted as under:
 - a) Disallowance of expenditure on GT-1 compressor vanes during 2009-10 was a conscious decision taken by the Commission after careful deliberation and the reasons for disallowance has also been recorded in the order. As the scope of review is limited to 'rectification of mistake or error apparent on the face of the record', the disallowance of expenditure on account of GT-1 compressor vanes should not be reconsidered.
3. Similar submissions as above was made by the representative of the respondent, UPPCL.
4. The learned counsel for the respondent, BYPL submitted as under:
 - a) As laid down by the Hon'ble Supreme court in the case of Lily Thomas Vs Union of India *'The power of review can only be exercised for correction of a mistake but not to substantiate a view'*. Moreover, *'review cannot be an appeal in disguise and the mere possibility of two views cannot be a ground for review'*. The petitioner has not been able to point out any error apparent on record and the review petition is liable to be rejected since, this point has already been deliberated by the Commission and the petitioner through the review petition seeks to raise issues which are akin to challenge of an order under an Appeal.
 - b) No document/material has been placed on record by the petitioner justifying the expenditure of ₹438.84 incurred for GT-1.
5. In response to the above, the representative of the petitioner clarified as under:
 - a) It has been clearly stated in affidavit dated 8.6.2011 that the de capitalization on an estimated basis against balance R&M work for GT-1 and GT-3 has been considered in the order dated 21.1.2011. Also, in the affidavit dated 29.3.2011 it was also submitted that the part for compressor vanes could not be supplied by the OEM before the start of inspection of GT-1 and the same would be replaced in the next inspection during June, 2010.
 - b) Hence the observation, that this work was previously disallowed and accordingly balance work should also be disallowed is a mistake/error apparent on the face of the order.
6. The Commission after hearing the parties, reserved orders in the petition.

By order of the Commission

Sd/-
(T. Rout)
Joint Chief (Law)