

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 131/MP/2012

Subject: Petition under Section 62, 79 and 178 of the Electricity Act, 2003 read with Regulation 44 of CERC (Terms and Conditions of Tariff) Regulations, 2009 and Regulations 110/111/112 and 115 of CERC (Conduct of Business) Regulations, 1999.

Date of hearing: **28.8.2012**

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

Petitioners: M/s Mahaguj Power Limited

Respondents: Maharashtra State Power Generation Company Limited and others.

Parties Present: Shri Amit Kapur, Advocate, MPL
Shri Gautam Shahi, Advocate, MPL
Ms. Poonam Verma, Advocate, MPL
Shri Apoorva Misra, MPL
Shri M.B. Kaku, GSECL
Shri Pathak, MSPGCL

RECORD OF PROCEEDINGS

The learned counsel for the petitioner submitted that they have filed the affidavit in compliance with the directions of the Commission during the proceedings held on 21.6.2012. He also submitted that specific guidelines of the Commission is required on the regulation prescribed for capitalized initial spares, NAPAF, gross station heat rate, secondary fuel oil consumption and auxiliary energy consumption for the necessary development of the project.

2. On a specific query by the Commission as to whether the prayer of the petitioner is to be considered now, keeping in view that the project is to be commissioned during the next tariff period, the learned counsel for the petitioner clarified that since no regulatory framework has been specified in relation to the tariff applicable to power projects based on coal rejects and keeping in view the creditworthiness risk faced by the lenders, the regulatory guidance of the Commission has been sought for in the petition.

3. The Commission directed the learned counsel for the petitioner to clarify whether the tariff of the proposed generating station should be fixed under Section 62 or Section 63 of the Electricity Act, 2003.

4. The representative of respondent no. 1 (MSPGCL) prayed for time to file its reply. Accordingly, the prayer is accepted and respondent no. 1 is directed to file its reply by 20.9.2012 with advance copy to the petitioner, who may file rejoinder, if any, by 27.9.2012.

5. Matter shall be listed for hearing on 9.10.2012.

By Order of the Commission

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