

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 121/MP/2011

Subject: Petition under regulation 44 of the CERC (Terms and Conditions of Tariff) Regulations, 2009 read with regulation 111 and other related regulations of CERC (Conduct of Business Regulations, 1999 for recovery of additional cost incurred due to abnormal increase in water charges at NTPC stations

Date of Hearing: 4.7.2013

Coram: Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member

Petitioner: NTPC Ltd., New Delhi

Respondents: UPPCL and 37 others

Parties Present: Shri M.G.Ramachandran, Advocate, NTPC
Shri Ajay Dua, NTPC
Shri Guryog Singh, NTPC
Shri M.K.V.Rama Rao, NTPC
Shri S.K. Sharma, NTPC
Shri Rohit Chhabra, NTPC
Shri Rajnish Bhagat, NTPC
Shri Padamjit Singh, PSPCL
Shri T.P.S.Bawa, PSPCL
Shri Manish Garg, UPPCL & BYPL
Shri R.B.Sharma, Advocate, BRPL & JSEB
Ms. Megha Bajpeyi, BRPL
Shri Hmanshu Chauhan, BRPL
Dr. Meenu Mishra, BYPL
Shri Sameer Singh, BYPL

RECORD OF PROCEEDINGS

This petition was re-listed today for directions.

During the hearing, the learned counsel for the petitioner submitted that the matter was argued at length during the last hearing and the Commission may accordingly pass orders in the petition. He submitted that the increase in water charges was in terms of a statutory notification and is beyond the control of the petitioner and hence allowable. He also prayed that the petitioner may be permitted to place copy of the judgments of the Appellate Tribunal for Electricity (Tribunal) in support of its claim for water charges.

2. The representative of the respondent, PSPCL submitted that the claim of the petitioner cannot be allowed as tariff is a complete package and the normative O&M expenses allowed cannot be reopened. He also submitted that the petitioner has not quantified its claim for water charges and accordingly prayed that the petitioner may be directed to quantify the water charges station-wise pursuant to the said increase and submit the same for consideration.

3. The representative of the respondent, UPPCL and BYPL made similar submissions as above objecting to the prayer of the petitioner and prayed that the copy of the judgment referred to by the petitioner may be made available to them. He also submitted that the increase in charges was only a myth and the same is within the control of the petitioner.
4. The learned counsel for the respondent, JSEB & BRPL submitted that the decision of the Tribunal in respect of gas based stations as referred to by the petitioner, cannot be made applicable to thermal generating stations of the petitioner, keeping in view the facts and circumstances of the case. He also submitted that the Commission may consider the trueing-up of tariff every year, while considering the prayer of the petitioner.
5. In response, the learned counsel for the petitioner reiterated the submissions made earlier. Referring to affidavit dated 26.8.2011, he submitted that all information regarding the exact expenditure incurred consequent to the increase in water charges has been submitted before the Commission with copy to the respondents.
6. The representative of the respondent, UPPCL & BYPL and the learned counsel for the respondent JSEB & BRPL submitted that it has not received a copy of the said affidavit dated 26.8.2011 in order to submit their response. This was objected to the learned counsel for the petitioner, but undertook to give copies again to these respondents in course of the day.
7. The Commission after hearing the parties directed the petitioner to file the copy of the judgments of the Tribunal, the station-wise details of the water charges pursuant to the said increase along with the amount of actual consumption of water for each of the generating station on affidavit, on or before 19.7.2013, with advance copy to the respondents, who shall file their reply submissions, by 26.7.2013, with copy to the petitioner. The petitioner may thereafter file its response by 2.8.2013. The Commission observed that there would be no further hearing in the matter.
8. Subject to the above, order in the petition was reserved.

By order of the Commission

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