

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 160/GT/2012 along with I.A.No.49/2012**

Subject: Determination of tariff of Udupi Thermal power Station for the period from COD of Unit –I 11.11.2010 to 31.03.2014 and COD of Unit – II (19.8.2012) to 31.3.2014.

Date of hearing: **28.5.2013**

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

Petitioner: Udupi Power Corporation Ltd. Bangalore.

Respondents: PCKL, BESC, MESC, GESC, HESC, CESC, PSPC

Objector: M/s Janajagrithi Samithi, Karnataka

Parties Present: Shri, L. Viswanathan, Advocate, UPCL  
Shri Anuj Berry, Advocate, UPCL  
Shri A Ghosh, Advocate UPCL,  
Shri V.G.Manjunath, PCKL  
Shri R. Parthasarathi, UPCL  
Shri Soumyanarayanan, UPCL  
Shri D.S. Murali, UPCL  
Shri R.A.Mulla, UPCL  
Shri M.G.Ramachandran, Advocate for Discoms of Karnataka  
Shri Anand Ganesan, Advocate for Discoms of Karnataka  
Shri Padamjit Singh, PSPCL  
Shri Ananga Bhattacharya, Advocate for objector

**Record of Proceedings**

During the hearing, the representative of PSPCL submitted that it has not received copies of the documents filed by the petitioner in terms of the directions of the Commission on 16.5.2013. The representative requested that the Commission may issue direction on the petitioner to serve copies of the documents filed by the petitioner and prayed that it may be granted time to file its response prior to the next date of hearing.

2. On a specific query by the Commission as to whether the petitioner has served copies on the respondent PSPCL, the learned counsel for the petitioner submitted that the copies of documents have been served on the respondent, PSPCL as directed by the Commission.

3. The learned counsel for the objector M/s Janajagrithi Samithi also submitted that it had not received the documents filed by the petitioner in the above matter and prayed that the petitioner may be directed to give copies for filing its response.

4. The learned counsel for the respondent, PCKL pointed out that the petitioner has not complied with the directions of the Commission as the documents filed by the petitioner are not complete. He also submitted that voluminous documents (3500 pages) have been served on the respondents on 21.5.2013 and hence some more time was required to examine and prepare the response by the respondent. The learned counsel accordingly prayed for grant of two weeks time to examine the said documents and file response in the matter.

5. In response to the above, the learned counsel for the petitioner clarified that all documents as sought for by the Commission has been filed and has also been served on the parties. He also submitted that the prayer of the respondents for grant of further time may not be entertained, keeping in view the cash flow problems being faced by the generating station consequent to the delay in fixation of tariff.

6. In reply, the learned counsel for the respondent, PCKL specifically submitted that the petitioner has not clarified nor produced the agreement stated to have been entered into prior to 16.12.2006, in the absence of which the claims of the petitioner cannot be justifiable. He also reiterated that the capacity of the generating station was indicated as 1200 MW during 2006 and there was no reason for cancellation of agreement with BHEL and for augmentation of capacity. Accordingly, the learned counsel prayed that the documents shall be called for from the petitioner in order to substantiate the claims made in the petition.

7. The Commission after hearing the parties directed the respondents, PCKL and PSPL to submit the final list containing the documents which are required to be submitted by the petitioner, with copy to the petitioner, who shall file its response. Based on this, the Commission observed that it would take a decision as regards the documents which are necessary for determination of tariff of generating station.

8. Based on the above directions, the respondents vide its affidavit dated 30.5.2013 and the respondent, PSPCL vide its letter dated 29.5.2013 has submitted a list containing the documents required to be submitted by the petitioner. The petitioner, in has also filed its reply vide affidavit dated 31.5.2013 to the affidavit filed by respondent, PCKL. These are taken on record.

9. After scrutiny of the list submitted by the parties and the reply filed by the petitioner on the same, the Commission decided that the documents relevant for the purpose of determination of tariff which are to be called for from the petitioner shall be as under:

- (a) Agreement between M/s Lanco Infratech and NPCL/UPCL prior to 16.12.2006 in regard to the contract with reference to the project of UPCL as mentioned in para 2, page 2 of agreement between M/s LITL and M/s DEC dated 16.12.2006.
- (b) Details of contract along with price and technical specifications and subsequent amendments , if any, entered in to by LITL for BOP;
- (c) Contract/Actual values of the parameters of MW capacity, Auxiliary consumption, Station Heat Rate and emission as achieved/recorded during provisional acceptance tests and during performance guarantee test;
- (d) Minutes of the pre-bid conference, clarifications sought by the bidders during the period upto the biding date on 29.11.2006;
- (e) Aggregate price of all contracts entered in to by Lanco Infratech with M/s DEC, China, M/s Shangdong Power Equipment works, China, M/s Changsa Pump Works Cp Ltd, China, M/s Zhejiang Hangxiao Steel Structure Co Ltd, China for the packages entered into at the relevant time.

10. The above said documents shall be filed by the petitioner on affidavit, on or before 20.6.2013, with copy to the respondents, who shall file its response, by 30.6.2013. The learned counsel for the objector may obtain copies of documents from the petitioner.

11. Matter shall be listed for final hearing on **9.7.2013**.

By order of the Commission

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