

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 92/MP/2013

Subject : Petition for recovery of additional cost incurred consequent to pay/wage revision of employees, Central Industrial Security Force and Delhi Public School staff in respect of Nathpa Jhakri Station w.e.f. 1.1.2006 to 31.3.2009.

Date of hearing : 13.8.2013

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

Petitioner : Satluj Jal Vidyut Nigam Limited

Respondents : Engineering Deptt., UT of Chandigarh & others

Parties present : Shri Romesh Kapoor, SJVNL
Shri Rajeev Agarwal, SJVNL
Shri Satyaban Sahoo, SJVNL
Shri R.B. Sharma, Advocate, BRPL
Shri Padamjit Singh, PSPCL
Shri Alok Shankar, advocate, TPDDL

Record of Proceedings

At the outset, the representative of the petitioner requested the Commission to allow the additional O & M cost due to increase in employee cost on account of wage revisions of its employees from 1.1.2007 and pay revision of the employees on deputation and Delhi Public School Staff and Central Industrial Security Force deployed at Nathpa Jhakri Station from 1.1.2006 in line with orders passed by CERC in NHPC, NTPC and PGCIL petitions.

2. The learned counsel for BRPL submitted as under:

(a) The present petition is barred by limitation under section 175 of Electricity Act, 2003 read with section 29 (2) of the Limitation Act, 1963.

(b) Hon`ble Supreme Court in its Judgment dated 3.3.2009 in Civil Appeal No. 1110 of 2007 has held that the claim is permissible only when the tariff is in force and not after wards. This clearly means that the

claim of the petitioner could be entertained by the Commission, if the same had been brought during the tariff period 2004-09.

(c) The claim at this belated stage is not justified and the Commission cannot be requested to revisit the tariff.

3. The representative of PSPCL submitted as under:

(a) The petitioner has not filed details of O & M expenses recovered each year through tariff.

(b) The recovery of cost of CISF deployed at the generating station is not justified. It should not be loaded on the consumers especially when the State is getting 12% free power.

(c) Security is State subject. The cost of security of the generating station should be borne by the State Government especially when the State Government is a stakeholder in the generating station.

4. Learned counsel for TPDDL submitted that the present petition suffers from delay and laches and is therefore not maintainable.

5. After hearing the parties, the Commission reserved order in the petition.

By order of the Commission
Sd/-
(T. Rout)
Chief Legal