

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 1/GT/2013

**in
Petition No. 27/2011**

Coram:

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

Date of Hearing: 9.4.2013

Date of Order: 16.4.2013

IN THE MATTER OF

Review of order dated 16.1.2013 in Petition No. 27/2011 regarding determination of generation tariff for Nathpa Jhakri Hydroelectric Power Station (6 x 250 MW) for the period from 1.4.2004 to 31.3.2009.

AND

IN THE MATTER OF

SJVN Ltd

...Petitioner

Vs

1. Punjab State Power Corporation Ltd, Patiala
2. (i) Haryana Power Generation Corporation Ltd, Panchkula
(ii) Haryana Vidyut Prasaran Nigam Ltd, Panchkula
3. (i) Delhi Transco Ltd, New Delhi
(ii) North Delhi Power Ltd, Delhi
(iii) BSES-Rajdhani Power Ltd, New Delhi
(iv) BSES-Yamuna Power Ltd, New Delhi
- 4 (i) Jaipur Vidyut Vitaran Nigam Ltd, Jaipur
(ii) Ajmer Vidyut Vitaran Nigam Ltd, Ajmer
(iii) Jodhpur Vidyut Vitaran Nigam Ltd, Jodhpur
5. Himachal Pradesh State Electricity Board, Shimla
6. Power Development Department, Government of J&K, Jammu
7. Engineering Department, Union Territory of Chandigarh, Chandigarh
8. Uttar Pradesh Power Corporation Ltd, Lucknow
9. Uttaranchal Power Corporation, Dehradun
10. Government of Himachal Pradesh, H.P. Secretariat, Shimla **....Respondents**

Parties Present

1. Shri M. G. Ramachandran, Advocate, SJVNL
2. Shri A. K. Basu, SJVNL
3. Shri H.B. Sahay, SJVNL
4. Shri Rajeev Agarwal, SJVNL
5. Shri A.S. Bindra, SJVNL
6. Shri Sanjay Kumar, SJVNL
7. Shri Satyaban Sahoo, SJVNL

ORDER

This application for review has been filed by Satluj Jal Vidyut Nigam Ltd (SJVNL), the petitioner herein, against the order of the Commission dated 16.1.2013 in Petition No. 27/2011 relating to the determination of generation tariff in respect of Nathpa Jhakri Hydroelectric Power Station (6 x 250 MW) (hereinafter referred to as 'the generating station') for the period from 1.4.2004 to 31.3.2009. Aggrieved by the order 16.1.2013, the petitioner has sought review of the order based on the issues mentioned in the review petition.

2. The matter was heard on 'admission'. The learned counsel for the petitioner, while pointing out that there is error apparent on the face of the order, has submitted the following issues for consideration of the Commission:

(a) The decision of the Commission in its order dated 16.1.2013 not to consider the capitalization of expenditure till the approval of Revised Cost Estimate by the Central Government and to consider them after such approval as per the 2009 Tariff regulations, instead of the 2004 Tariff Regulations, being the prevalent regulations at the time when the capital assets were put to use will create serious complications and will not be consistent with the tariff regulations notified by the Commission and the provisions of the Electricity Act, 2003. The capital expenditure incurred and their elements of tariff admissible are to be admitted from the date of COD and the effective servicing of capital cannot be postponed or deferred to a future date;

(b) Consideration of un-discharged liabilities in respect of this generating station in line with the judgments of the Appellate Tribunal for Electricity pertaining to the generating stations of NTPC; and

(c) Correction of inadvertent error on the part of the petitioner in the calculation of FERV of ₹15.67 crore for the year 2005-06.

3. Admit the petition on the issues (a) to (c) in paragraph 2 above. Issue notice.
4. The petitioner is directed to serve copy of the petition along with this order, on the respondents by 22.4.2013. The respondents are directed to file its reply, on or before 8.5.2013, with advance copy to the petitioner, who may file its rejoinder, if any, by 15.5.2013.
5. Matter shall be listed for final hearing on 23.5.2013.

Sd/-
[M.Deena Dayalan]
Member

Sd/-
[V. S. Verma]
Member

Sd/-
[Dr. Pramod Deo]
Chairperson