

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 48/RP/2016
in
Petition No. 302/GT/2014

Coram:
Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member

Date of Hearing: 5.10.2016
Date of Order : 20.10.2016

In the matter of

Review of Commission's order dated 19.7.2016 in Petition No. 302/GT/2014 regarding revision of tariff of Badarpur Thermal Power Station (705 MW) for the period from 1.4.2009 to 31.3.2014.

And in the matter of

NTPC Ltd
NTPC Bhawan,
Core-7, SCOPE Complex,
7, Institutional Area, Lodhi Road,
New Delhi-110003)

.....Petitioner

Vs

1. Tata Power Delhi Distribution Ltd.,
Grid Sub-station Hudson Road,
Kingsway Camp, Delhi-110009

2. BSES-Rajdhani Power Ltd.
BSES Bhawan, Nehru Place,
New Delhi - 110019

3. BSES-Yamuna Power Ltd.,
Shakti Kiran Building, Karkardooma,
Delhi- 110072

4. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110001

5. Military Engineering Services,
Delhi Cantonment,
New Delhi -110010

...Respondents



Parties present:

For Petitioner: Shri Ajay Dua, NTPC
Shri Manoj Kumar Sharma, NTPC
Shri T. Vinodh Kumar, NTPC

For Respondents: Shri Manish Garg, BYPL

ORDER

Petition No. 302/GT/2014 was filed by the petitioner, NTPC for revision of tariff of Badarpur Thermal Power Station (705 MW) (“the generating station”) for the period from 1.4.2009 to 31.3.2014 in terms of the proviso to Regulation 6 (1) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (“the 2009 Tariff Regulations”) and the Commission by order dated 30.7.2016 had revised the tariff of the generating station for the period 2009-14 after truing-up exercise. Aggrieved by the order dated 30.7.2016, the petitioner has sought review on the ground that the cumulative depreciation recovered as on 1.4.2009 is ₹27868.00 lakh instead of ₹27946.48 lakh as considered as on 1.4.2009 in order dated 30.7.2016.

2. The petitioner in the petition has also submitted that since the life of the generating station for depreciation calculation is less than 12 years during the period 2009-14, the Commission in order dated 30.7.2016 has considered the weighted average rate of depreciation worked out based on the rates specified under the 2009 Tariff Regulations for computation of depreciation during the period 2009-14. According it has submitted that the value considered by the Commission for cumulative depreciation recovered upto 1.4.2009 does not affect the calculation of annual fixed charges allowed for the period 2009-14. However, the petitioner has submitted that the generating station will be completing its useful life of 12 years during the period 2014-19 when the depreciation calculation will be affected for recovery of balance depreciation due to spreading of balance depreciation to be recovered in the remaining useful life. Based on the above, the



petitioner has submitted that there is error apparent on the face of the record and the same is required to be rectified/reviewed.

3. Heard the representative of the petitioner on 'admission'. During the hearing, the representative of the petitioner while reiterating the submissions made in the petition, has submitted that the Commission in its order dated 27.11.2014 in Review Petition No.3/2011 (in Petition No.194/2009) had worked out the cumulative depreciation recovered as on 1.4.2009 as ₹27868.00 lakh, but the same has not been considered in the order dated 30.7.2016, while working out the cumulative depreciation recovered as on 1.4.2009. Accordingly, the representative prayed that the cumulative depreciation recovered as on 1.4.2009 shall be corrected as ₹27868.00 lakh instead of ₹27946.48 lakh in the order dated 30.7.2016. The representative also submitted that consequent upon revision of this amount as ₹27868.00 lakh, the cumulative depreciation recovered as on 31.3.2014 may be revised as ₹40228.72 lakh instead of ₹40327.55 lakh in the said order. Accordingly, the representative of the petitioner has prayed that the review may be allowed in terms of the above.

4. The representative of the respondent BYPL has submitted that clerical/arithmetical errors in the orders, if any, may be rectified by the Commission on review.

5. The matter has been examined. It is observed that the Commission while working out the cumulative depreciation recovered as on 1.4.2009 (as ₹27946.48 lakh) in order dated 30.7.2016 had inadvertently not considered the Commission's order dated 27.11.2014 (in Review Petition No.3/2011), wherein the cumulative depreciation recovered as on 1.4.2009 was worked out and allowed as ₹27868.00 lakh. The non consideration of this amount (₹27868.00 lakh) in Commission's order dated 30.7.2016 is an error apparent on the face of the record and the same is required to be corrected. Accordingly, the prayer of the petitioner for review of order dated 30.7.2016 is accepted and in exercise of the power under Regulation 103A of the CERC (Conduct of Business)



Regulations, 1999 as amended, the cumulative depreciation recovered as on 1.4.2009 is revised as ₹27868.00 lakh in order dated 30.7.2016. Consequent upon this, the cumulative depreciation recovered as on 31.3.2014 also stands revised as ₹40228.72 lakh in order dated 30.7.2016. It is noticed that the revision of these amounts of cumulative depreciation recovered as on 1.4.2009 and 31.3.2014 respectively would not impact the annual fixed charges allowed for the generating station for the period 2009-14 in order 30.7.2016. However, the impact if any, for the period 2014-19, would be considered at the time of determination of tariff of the generating station for the period 2014-19 in terms of the provisions of the 2014 Tariff Regulations.

6. Petition No. 48/RP/2016 is disposed of in terms of the above.

Sd/-
(Dr. M.K.Iyer)
Member

Sd/-
(A. S. Bakshi)
Member

