

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 518/GT/2014

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.S. Bakshi, Member

Dr. M.K Iyer, Member

Date of Hearing: 11.03.2016

Date of Order: 14.03.2016

In the matter of

Approval of tariff of Udupi Thermal Power Station for the period from 11.11.2010 to 31.3.2014 after truing up exercise.

And

In the matter of

Udupi Power Corporation Limited
2nd Floor, "Le ParcRichmonde"
51, Richmond Road
Bengaluru-560025

...Petitioner

Vs

1. Power Company of Karnataka Ltd,
Corporate Office, Kaveri Bhavan,
Bengaluru – 560 009

2. Bangalore Electricity Supply Company
K.R. Circle,
Bangalore-506001

3. Mangalore Electricity Supply Company Paradigm Plaza,
AB Shetty Circle, Mangalore-575001

4. Gulbarga Electricity Supply Corporation
Station Road, Gulbarga,
Karnataka

5. Hubli Electricity Supply Company
Navanagar, PB Road, Hubli,
Karnataka

6. Chamundeshwari Electricity Supply Corporation
927, L J Avenue, GF, New KantharajUrs Road,
Saraswatipuram, Mysore-570009

7. Punjab State Power Corporation Limited
The Mall, Patiala-147 001

...Respondents



Parties present:

Shri Sakya Singha Chaudhari, Advocate, UPCL
Shri Anand Kumar Shrivastava, Advocate, UPCL
Shri Tanmay Vyas, UPCL
Shri D. L. Chidananda, Advocate, PCKL
Shri Gaurav Gupta, Advocate, PSPCL

ORDER

This petition has been filed by the petitioner, Udupi Power Corporation Limited on 04.12.2014 for revision of tariff of Udupi Thermal Power Station (1200 MW) (the generating station) based on the admitted capital cost as on 19.8.2012 and the actual capital expenditure incurred during the period from 11.11.2010 to 31.3.2014, after truing-up exercise in terms of Regulation 6(1) of the 2009 Tariff Regulations.

2. Petition No. 160/GT/2012 was filed by the petitioner for determination of tariff for the period from 11.11.2010 to 31.3.2014 for Unit-I and from 19.8.2012 to 31.3.2014 for Unit-II and the Commission by order dated 20.2.2014 had determined the tariff for the said generating station. Aggrieved by the said order, some of the parties, including the petitioner, filed appeals before the Appellate Tribunal for Electricity (the Tribunal) and the Tribunal by its judgment dated 15.5.2015 disposed of the said appeals with direction to the Commission to re-determine tariff of the generating station based on its findings on certain issues. Accordingly, the Commission, by order dated 10.7.2015 re-determined the tariff of the generating station for the said period.

3. Pursuant the judgment of the Tribunal and the order of the Commission, the petitioner has filed Petition No. 7/GT/2016 on 14.1.2016 for revision of tariff of the generating station for the period 11.11.2010 to 31.3.2014 based on the actual capital expenditure incurred, after truing up exercise in terms of Regulation 6(1) of 2009 Tariff Regulations.

4. During the hearing, the learned counsel for the petitioner submitted that since Petition No. 7/GT/2016 has been filed by the petitioner for truing up of tariff of the generating station for the period 11.11.2010 to 31.3.2014, pursuant to the order of the Commission dated 10.7.2015, the present petition may be dismissed as *infructuous*. The learned counsel appearing for the respondents agreed to the above submission of the learned counsel for the petitioner.



5. We have examined the matter. Admittedly, the present petition was filed by the petitioner during the pendency of the said appeals before the Tribunal. Thereafter, the petitioner, after considering the impact of the judgment of the Tribunal dated 15.5.2015 and the order of the Commission dated 10.7.2015 has filed Petition No.7/GT/2016 for truing-up of tariff of the generating station for the said period. Considering the fact that the submissions made by the petitioner in the present petition stand superseded by the tariff petition (Petition No.7/GT/2016) filed by the petitioner on 14.1.2016, the instant petition filed on 4.12.2014 does not survive for consideration. Accordingly, we find no reason to keep the present petition pending. The prayer of the learned counsel for the petitioner is therefore allowed and the instant petition is disposed of as *infructuous*. Petition No. 7/GT/2016 shall be listed for hearing in due course for which parties shall be separately intimated.

(Dr. M.K. Iyer)
Member

(A.S. Bakshi)
Member

(Gireesh B. Pradhan)
Chairperson

