

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 525/TT/2014

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Date of Hearing : 07.07.2015

Date of Order : 18.03.2016

In the matter of:

Truing up of fee and charges under regulation 5 of Central Electricity Regulatory Commission (fees and charges of Regional Load Despatch Centre and other related matters) Regulations 2009 read with regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulation, 1999, for Northern Region Load Despatch Centre, for the control period 1.4.2009 to 31.03.2014.

And In the matter of:

Northern Regional Load Despatch Centre
Power System Operation Corporation Ltd.
(A wholly owned subsidiary of POWERGRID)
Registered office: - B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi - 110016

.....Petitioner

Versus

Users under the category of Distribution Licensees and Buyers

1. UPPCL, Uttar Pradesh Power Corporation Limited, Shakti Bhawan, 14-Ashok Marg, Lucknow-226001
2. Government of J&K, Civil secretariat, Srinagar, J&K.
3. Rajasthan Rajya Vidyut Prasaran Nigam Limited, Vidyut Bhawan, Vidyut Marg, Jaipur-302005
4. Punjab State Transmission Corporation Limited, Patiala-147 001
5. Haryana Vidyut Prasaran Nigam Limited, Shakti Bhawan, Sector-6, Panchkula-134109.
6. Delhi Transco Limited, Shakti Sadan, Kotla Road, New Delhi-110 002
7. Himachal Pradesh State Electricity Board, Kumar House, Vidyut Bhawan, Shimla-171004
8. Power Transmission Corporation of Uttarakhand Limited, 7-B, Lane No-1, VasantVihar Enclave, Dehradun - 248 001.
9. Electricity Department, UT Chandigarh, Sector 9-D, UT Chandigarh-160019



10. North Central Railway, GM Office Building, Allahabad, UP.
11. Power grid Corporation of India Ltd., B-9, Qutab Institutional Area, New Delhi-110016

Users under the category of Generating Stations and Sellers

12. Singrauli Super Thermal Power Station, Shakti Nagar, UP-231222
13. Rihand Super Thermal Power Station-I, Rihand Nagar, UP-231223
14. Rihand Super Thermal Power Station-II, Rihand Nagar, UP-231223
15. Rihand Super Thermal Power Station-III, NTPC Rihand, Dist-Sonbhadra, UP - 231223
16. Dadri, National Capital Power Project, DadriDhaulana Road, Distt. GautamBuddh Nagar, UP-201008
17. Dadri – Stage - II, National Capital Power Project, Dadri Dhaulana Road, Distt. GautamBuddh Nagar, UP-201008
18. Firoz Gandhi Unchahar Thermal Power Project-I, Unchahar, Distt. Raibareilly, UP
19. Firoz Gandhi Unchahar Thermal Power Project-II, Unchahar,,Distt. Raibareilly, UP
20. Firoz Gandhi Unchahar Thermal Power Project-III, Unchahar, Distt. Raibareilly, UP
21. Firoz Gandhi Unchahar Solar PV Power Project, Unchahar, Distt. Raibareilly, UP
22. Dadri Gas Power Project, Dhaulana Road, Distt. GautamBuddh Nagar, UP-201008
23. Dadri Solar PV Power Project, Dhaulana Road, Distt. GautamBuddh Nagar, UP-201008
24. Auraiya Gas Power Project(Gas Fired, RLNG Fired, Liquid Fired), Dibiyapur, Distt Etawah, UP-206244
25. Anta Gas Power Project (Gas Fired, RLNG Fired, Liquid Fired), Distt. Baran, Rajasthan-325209
26. Narora Atomic Power Station, Narora, Distt. Bulandshahar, UP-202389
27. Rajasthan Atomic Power Station-B, Anu Shakti Vihar, Kota, Rajasthan-323303
28. Rajasthan Atomic Power Station-C, (RAPS-5&6) PO-Anushakti, Kota, Rajasthan-323304
29. Bairasiul Hydro Electric Project, NHPC Ltd.,Surangini, Distt. Chamba, HP-176317
30. Salal Hydro Electric Project, NHPC Ltd, Jyotipuram, Distt. Udhampur, J&K-182312
31. Tanakpur Hydro Electric Project, NHPC Ltd., Banbassa, Distt. Champawa,Uttarakhand-262310
32. Chamera-I Hydro Electric Project, NHPC Ltd., Khairi, Distt. Chamba, HP-176310
33. Uri Hydro Electric Project, NHPC Ltd., Mohra, Distt. Baramulla, J&K-193122
34. Chamera-II Hydro Electric Project,NHPC Ltd., Karian, Distt. Chamba, HP-176310
35. Chamera-III Hydro Electric Project, NHPC Ltd.,Dharwala,Distt.- Chamba,HP-176311
36. Dhauliganga Hydro Electric Project, NHPC Ltd., Tapovan, Dharchula, Pithoragarh, Uttarakhand-262545
37. Dulhasti Hydro Electric Project, NHPC Ltd., Chenab Nagar, Distt. Kishtwar, J&K-182206
38. Satluj Jal Vidyut Nigam Ltd. Power Project, Jhakri, Rampur, Distt. Shimla, HP-172201



39. Tehri Hydro Development Corporation Ltd.,Pragatipuram, Rishikesh, Uttrakhand-249201
40. Uri 2 Hydro Electric Project, NHPC Ltd., Nowpura, Distt. Baramulla, J&K-193123
41. Parbati HE Project Stage-III Behali, P.O- LarjiKullu 175122 Himachal Pradesh
42. Parbati HE Project Stage-III Behali, P.O- LarjiKullu 175122 Himachal Pradesh
43. Sewa-II Power Station, Mashke, P.O-Khari,Tahsil-Dalhausie , Dist-Chamba, HP-176325
44. Rampur HEP, SatlujJaVidyut Nigam Ltd. Power Project, Jhakri, Rampur, Distt. Shimla, HP-172201
45. Koteshwar HEP, THDCIL, Koteshwerpuram, Tehri Garwal-249002
46. ADHPL Prini, Tehsil Manali, Distt- Kullu (H.P) India.
47. Indra Gandhi Super Thermal Power Project VPO -Jharli, TahsilMatanhail, DistJhajjar (Haryana)-124125
48. KarchamWangtoo HEP, Jaiprakash Power House Ventures Limited Baspa -II Hydro -Electric Project Sholtu Colony, PO- Tapti DistKinnaur, -172104 (HP)
49. Everest Power Pvt. Ltd 1st Floor, Hall-1, NBCC Tower BikajiCamaPlace,New Delhi – 110 066.
50. Shree Cement Thermal Power Project Bangurnagar, Beawar , Dist Ajmer , Rajasthan -305901
51. LancoBudhil HPS Ltd, Plot # 404-405,Phase-3,Udyog Vihar, Gurgaon-122016,New Delhi Region, India

Users under the category of Inter State Transmission Licensees

52. NRTS-I, Power Grid Corporation of India Ltd., B-9, Qutab Institutional Area, New Delhi-110016
53. Powerlinks Transmission Ltd., 10th Floor, DLF Tower-A, District Centre, Jasola, New Delhi-110044
54. Jaypee POWERGRID Ltd. House No.- 7, Housing Board colony ChuhaBagh, Khaneri Rampur, Busharhr Shimla H.P.
55. APL, Business Development, Achalraj, Opp Mayor Bungalow, Law Garden, Ahmedabad 380009.
56. ParbatiKoldamTransmission Company Ltd. B-9, Qutab Institutional Area New Delhi-110016

... Respondents

The following were present:

- Shri V.K. Agrawal, POSOCO
Shri Y.P. Gupta, POSOCO
Shri KVS BABA, NRLDC
Shri R. K. Bansal, POSOCO
Shri Nishant Gupta, NTPC
Shri Ashwani Kumar Gupta, HVPN
Shri Gabbar Singh, DTL



ORDER

The present petition has been preferred by Power System Operation Corporation Ltd. (“the petitioner”), for truing up of Northern Regional Load Dispatch Centre (NRLDC) charges under regulation 5 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations 2009 (hereinafter referred to as “the RLDC fees regulations 2009”) for the control period 1.4.2009 to 31.3.2014. The petitioner, Northern Regional Load Despatch Centre (NRLDC) is the apex body to ensure integrated operation of the Northern Regional Power System. NRLDC is empowered under Section 29(1) of the Electricity Act, 2003 (“the Act”) to give such directions and exercise and supervision and control as may be required for ensuring stability of grid operation and for achieving the maximum economy and efficiency of the power system in the Northern Region. NRLDC is also responsible for carrying out real time operations for grid control and despatch of electricity over inter-regional links in accordance with the Grid Standards and the Grid Code.

The Respondents are distribution licensees, generating stations and inter-state transmission licensees who are users of the Northern Regional Load Dispatch Centre.

2. The instant petition was filed on 5.12.2014.
3. The brief facts of the case are as follows:-
 - (a) The Fees and Charges of NRLDC (POSOCO portion) for the control period 1.4.2009 to 31.3.2014 was allowed based on capital cost of ₹12615.41 lakh as on 31.3.2009 vide order dated 11.3.2011 in Petition No. 91/2010 in



accordance with the RLDC fees regulations 2009. The fee and charges allowed for the control period 2009-14 is as under:-

(₹ in lakh)

| Particulars | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|----------------|----------------|----------------|----------------|----------------|
| Depreciation | 3545.69 | 3621.31 | 1297.48 | 1217.70 | 572.30 |
| Interest on Loan | 141.85 | 38.79 | 0.00 | 0.00 | 0.00 |
| Return on Equity | 392.59 | 417.36 | 489.03 | 577.82 | 619.56 |
| Interest on Working Capital | 180.72 | 192.27 | 153.07 | 162.53 | 157.59 |
| O & M Expenses (excluding Human Resource Expenses) | 1246.41 | 1261.98 | 1278.43 | 1295.84 | 1314.23 |
| Human Resource Expenses | 1113.90 | 1256.13 | 1355.64 | 1491.68 | 1638.85 |
| NLDC Charges & Corporate Office expenses | 700.23 | 913.70 | 1070.95 | 1214.26 | 1293.20 |
| Total | 7321.40 | 7701.54 | 5644.60 | 5959.83 | 5595.73 |

(b) In the instant petition the petitioner has claimed the following Fees and Charges of NRLDC for the control period 1.4.2009 to 31.03.2014 based on the actual expenditure incurred:-

(₹ in lakh)

| Particulars | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|----------------|----------------|----------------|----------------|----------------|
| Depreciation | 3546.51 | 3217.26 | 209.59 | 175.56 | 80.23 |
| Interest on Loan | 98.72 | 20.98 | 0.00 | 0.00 | 0.00 |
| Return on Equity | 393.04 | 397.44 | 401.17 | 404.27 | 417.70 |
| Interest on Working Capital | 175.42 | 176.74 | 129.23 | 155.12 | 150.86 |
| O & M Expenses (excluding Human Resource Expenses) | 1370.89 | 1434.01 | 1409.76 | 1461.48 | 1218.36 |
| Human Resource Expenses | 1186.11 | 1401.66 | 1517.13 | 1494.78 | 1644.95 |
| NLDC Charges & Corporate Office expenses | 361.97 | 626.68 | 555.45 | 760.20 | 880.17 |
| Total | 7132.66 | 7274.77 | 4222.33 | 4451.40 | 4392.26 |

4. The hearings in this matter were held on 31.3.2015 and 7.7.2015. None of the respondents have filed their reply.

5. The petitioner was directed to file additional information vide RoP of hearing dated 31.3.2015 and 7.7.2015. In response, the petitioner has submitted its response vide affidavit dated 29.5.2015, 1.7.2015 and 13.8.15. Having heard the



representatives of the petitioner and perused the material on record, we proceed to dispose of the petition, as stated in the subsequent paragraphs.

TRUING UP OF FEE AND CHARGES FOR CONTROL PERIOD 2009-14

6. Clause (5) of the RLDC Regulations 2009 provides for the true up of the RLDC fees and charges determined by the Commission. The relevant provision for true up of the RLDC fees and charges are extracted as under:-

"(1) The Commission shall carry out truing up exercise along with the application for determination of fees and charges filed for the period after the expiry of the control period, for the fees and charges recovered up to 31.3.2014 and admitted by the Commission after prudence check at the time of truing up.

(2) The Power System Operation Company shall make an application, in the formats annexed as Appendix I to these regulations, for carrying out truing up exercise by 31.10.2014.

(3) The Power System Operation Company shall submit along with the application for truing up, details of capital expenditure including additional capital expenditure, sources of financing, human resource expenditure, operation and maintenance expenditure, etc incurred for the period from 1.4.2009 to 31.3.2014, duly audited and certified by the auditors.

(4) Where after the truing up, the charges recovered exceeds the charges approved by the Commission under these regulations, the Power System Operation Company shall refund to the users, the excess amount so recovered along with simple interest at the rates specified in the proviso to this regulation.

(5) Where after the truing up, the charges recovered is less than the charges approved by the Commission under these regulations, the Power System Operation Company shall recover from the users, the under-recovered amount along with simple interest at the rates specified in the proviso to this regulation.

(6) The amount under-recovered or over-recovered, along with simple interest at the rates specified in the proviso to this regulation, shall be recovered or refunded by the Power System Operation Company in six equal monthly Instalments starting within three months from the date of the order issued by the Commission after the truing up exercise:

Provided that the rate of interest, for clauses (4), (5) and (6) of this regulation, for calculation of simple interest shall be considered as under:-

- (i) SBI short-term Prime Lending Rate as on 01.04.2009 for the year 2009-10.



- (ii) SBI Base Rate as on 01.07.2010 plus 350 basis points for the year 2010-11.
- (iii) Monthly average SBI Base Rate from 01.07.2010 to 31.3.2011 plus 350 basis points for the year 2011-12. (iv) Monthly average SBI Base Rate during previous year plus 350 basis points for the year 2012-13 and 2013-14;

Provided further that in cases where charges have already been determined on the date of issue of this notification, the above provisions shall be given effect to at the time of truing up.”

7. The truing up of fee and charges for the control period 2009-14 has been determined as discussed below:-

Capital Cost

8. Clause (2) of Regulation 6 of the RLDC fees regulations 2009 provides that:-

“(2) The capital cost admitted by the Commission after prudence check shall form the basis for determination of charges.”

9. The petitioner has claimed capital cost of ₹ ₹12615.41 lakh as on 31.3.2009 for the purpose of tariff as admitted vide order dated 11.3.2011 in Petition No. 91/2010. The same has been considered as the opening capital cost as on 1.4.2009 for determination of tariff in accordance with Regulation 6 of the RLDC fees regulations 2009.

Additional Capital Expenditure

10. Clause 1 of Regulation 7 of the RLDC fees regulations 2009 provides as follows:-

“(1) The capital expenditure incurred or projected to be incurred after the date of commercial operation may, in its discretion, be admitted by the Commission, subject to prudence check:

Provided that any expenditure on acquiring the minor items or the assets like tools and tackles, furniture, air-conditioners, voltage stabilizers, refrigerators, coolers, fans, washing machines, heat convectors, mattresses, carpets etc. brought after the date



of commercial operation shall not be considered for additional capitalization for determination of fees and charges.”

11. The capital expenditure (including additional capital expenditure) allowed to NRLDC, vide order dated 11.3.2011 in Petition No. 91/2010, is as under:

(₹ in lakh)

| | As on 31.3.2009 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|--|--------------------|----------|----------|----------|----------|----------|
| Gross Block | 12615.41 | 12615.41 | 12635.41 | 13296.66 | 14606.66 | 15738.85 |
| Additional Capital Expenditure allowed vide petition # 91/2010 | | 20.00 | 661.25 | 1310.00 | 1132.19 | 15.70 |
| Capital cost allowed | | 12635.41 | 13296.66 | 14606.66 | 15738.85 | 15754.55 |

12. The additional capital expenditure actually incurred during the control period 2009-14, as per Auditor Certificate dated 7.7.2015 submitted vide affidavit dated

13.8.2015, is as under:-

(₹ in lakh)

| | As on 31.3.2009 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|--------------------|----------|----------|----------|----------|----------|
| Gross Block | 12615.41 | 12615.41 | 12647.38 | 12864.07 | 12871.08 | 12942.05 |
| Actual Additional Capital Expenditure claimed | - | 32.52 | 216.69 | 16.20 | 71.00 | 37.86 |
| Assets Decapitalised | | 0.55 | 0.00 | 9.19 | 0.03 | 43.24 |
| Capital cost claimed | | 12647.38 | 12864.07 | 12871.08 | 12942.05 | 12936.67 |

13. The year wise detail of additional capital expenditure incurred is as under:-

(₹ in lakhs)

| S. No. | Description | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|--------|------------------------------|---------|---------|---------|---------|---------|
| 1 | Free Hold Land | - | - | - | - | - |
| 2 | Lease Hold Land | - | - | - | - | - |
| 3 | Building & Other Civil Works | - | - | - | - | - |



| | | | | | | |
|---|---|--------------|---------------|--------------|--------------|--------------|
| 4 | Auxilliary Power System | - | - | - | - | - |
| 5 | Office Furniture & furnishing (including communication equipment) | 4.00 | 6.09 | 5.17 | 3.72 | 14.56 |
| 6 | Others | 0.53 | 4.52 | 0.08 | - | - |
| 7 | IT Equipments (SCADA Hardware with Test Equipments and Spares) | 25.27 | 79.38 | 10.3 | 40.59 | 14.06 |
| 8 | Software (IT equipments) | 2.72 | 126.70 | 0.65 | 26.69 | 9.24 |
| | TOTAL claimed | 32.52 | 216.69 | 16.20 | 71.00 | 37.86 |

14. The petitioner has submitted the following reasons for variation in the actual capital expenditure incurred from CAPEX allowed by CERC:

(i) The RLDCs and NLDC are Control Centre based organizations. The SCADA/EMS, IT system and other facilities have been established for smooth operation of the functions comprising of system operation and market operation in real time, operational planning, post operation analysis, scheduling, energy accounting, reporting systems, etc. The CAPEX requirements are need based and lumpy in nature. In case of SCADA systems it is for up gradation of existing systems at an interval of five to seven years. The Hon'ble Commission has recognized this requirement and has allowed a faster depreciation rate so that replacement can be carried out in about seven years.

(ii) A CAPEX of Rs 3140 lakh was approved for 2009-14. Major part of this amounting to Rs.2713 lakh was for up gradation of the existing SCADA/ EMS system of NRLDC during 2010-11 to 2012-13. Initially the process of up gradation of SCADA system was taken up only for the RLDCs. However, at the subsequent developments at the Regional Power Committee forum it was desired by the constituents that the Regions take up the up gradation of SCADA system in a unified manner to ensure seamless data integration in the overall interest of all the SLDCs and RLDCs.

(iii) POWERGRID filed a petition on this issue (Petition no. 32/MP/2011) wherein, the Hon'ble Commission directed that the projects for RLDC and SLDCs in respective

regions be implemented in an integrated and compatible manner to obviate any operational problem in future.

(iv) As per the directions of the Hon'ble Commission, it was decided to go ahead with single NIT for all the constituents of Northern Region along with NRLDC and the NIT was issued on 12.12.2011. The NOA for the SCADA/EMS system could be placed on 21.09.2012 with a total completion period of 15 months including parallel operation.

It is to also mention that the award cost of the SCADA systems have come down from approved CAPEX of Rs 2713 lakh to Rs.1113 lakh. This is due to the downward trend in the prices of the electronics.

15. The Commission observed that RLDCs should have assessed the projected expenditure realistically while making the application for approval of fees and charges. During the course of hearing on 31.3.2015, the Commission asked the representative of POSOCO to explain non-utilisation of fees and charges approved by the Commission.

16. The representative of POSOCO submitted as under:-

(a) The orders approving the fees and charges were issued by the Commission in 2011, by which time considerable part of the control period was already over;

(b) Actual capital expenditure was mainly on account of integrated implementation of various SCADA/EMS projects for RLDCs and SLDCs which was incurred subsequent to the order dated 28.12.2011, in Petition No. 32/MP/2011, filed by PGCIL;

(c) During the tariff period there was a reduction of prices of the electronics items leading to an approximate variation of 30%;

(d) The CAPEX requirements are need based and lumpy in nature and that the



Commission has recognized this requirement and allowed a faster depreciation rate so that replacement can be carried out in about seven years; and

(e) The approved capital expenditure also included WAMS and ERP project which have been taken up for implementation by PGCIL.

17. Accordingly, the details of additional capital expenditure allowed are given as below. The expenditure on office furniture and furnishing has been disallowed in terms of proviso to Clause 1 of Regulation 7 of the RLDC fees regulations 2009.

(₹ in lakh)

| S. No. | Description | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|--------|--|--------------|---------------|--------------|--------------|---------------|
| 1 | Free Hold Land | - | - | - | - | - |
| 2 | Lease Hold Land | - | - | - | - | - |
| 3 | Building & Other Civil Works | - | - | - | - | - |
| 4 | Auxilliary Power System | - | - | - | - | - |
| 5 | Office Furniture & furnishing (including communication equipment) | - | - | - | - | - |
| 6 | Others | - | - | - | - | - |
| 7 | IT Equipments (SCADA Hardware with Test Equipments and Spares) | 25.27 | 79.38 | 10.3 | 40.59 | 14.06 |
| 8 | Software (IT equipments) | 2.72 | 126.70 | 0.65 | 26.69 | 9.24 |
| | TOTAL add cap allowed | 27.99 | 206.08 | 10.95 | 67.28 | 23.3 |
| | Decapitalisation allowed | 0.55 | 0.00 | 9.19 | 0.03 | 43.24 |
| | Net add cap allowed | 27.44 | 206.08 | 1.76 | 67.25 | -19.94 |

18. The capital expenditure (including additional capital expenditure) allowed to NRLDC is as under:

(₹ in lakh)

| | As on 31.3.2009 | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|--------------------|----------|----------|----------|----------|----------|
| Gross Block | 12615.41 | 12615.41 | 12642.85 | 12848.93 | 12850.69 | 12917.94 |
| Additional Capital Expenditure allowed | | 27.44 | 206.08 | 1.76 | 67.25 | -19.94 |
| Capital cost allowed | 12615.41 | 12642.85 | 12848.93 | 12850.69 | 12917.94 | 12898.00 |

DEBT- EQUITY RATIO

19. Regulation 8 of the RLDC fees regulations 2009 provides as under:-



“(1) The actual debt: equity ratio appearing in the books of accounts as on the date of transfer shall be considered for the opening capital cost of National Load Despatch Centre and Regional Load Despatch Centres.

(2) For an investment made on or after the date of transfer, if the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:

Provided that where equity actually deployed is less than 30% of the capital cost, the actual equity shall be considered for determination of charges:

Provided further that the equity invested in foreign currency shall be designated in Indian rupees on the date of each investment.

Explanation.- The premium, if any, raised by the Power System Operation Company while issuing share capital and investment of internal resources created out of its free reserve, for the funding of the capital expenditure, and funds created out of the LDC Development Fund as approved by the Commission shall be reckoned as paid up capital for the purpose of computing return on equity, provided such premium amount and internal resources are actually utilised for meeting the capital expenditure.”

20. The debt: equity ratio as on 31.3.2009 admitted by the Commission vide order dated 11.3.2011 in Petition No. 91/2010 has been considered as on 1.4.2009 for determination of tariff in accordance with the Regulation 8 of the RLDC fees regulations 2009.

21. Debt-equity ratio of 70:30 has been adopted for the additional capital expenditure and accordingly equity base for different years of the tariff period has been determined.

Return on Equity (“ROE”)

22. Regulation 12 of the RLDC fees regulations provides that:-

“12. Return on equity. - (1) Return on equity shall be computed in Rupee term on equity base determined in accordance with Regulation 8 of these regulations.

(2) Return on equity shall be computed on pre-tax base rate of 16% to be grossed up as per the sub-clause (3) of this regulation.

(3) The rate of return on equity shall be computed by grossing up the base rate with the



normal tax rate for the financial year 2009-10 applicable to the Power System Operation Company:

Provided that return on equity with respect to the actual tax rate applicable to the Power System Operation Company in line with the provisions of the relevant Finance Acts of the respective year during control period shall be trued up at the end of the control period.

(4) Rate of return on equity shall be rounded off to three decimal points and be computed as per the formula given below:-

Rate of pre-tax return on equity = Base rate / (1-t)

Where t is the applicable tax rate in accordance with sub clause (3).”

23. As per para 12(c)(v) of the petition, Debt portion of the capital cost has been financed from LDC development fund and Equity portion has been met from own resources.

24. MAT rate has been applied for working out the pre-tax ROE for the year 2009-10 and corporate tax rate for the respective year has been applied for the remaining years of the control period.

25. The ROE as trued up and allowed is as follows:-

(₹ in lakh)

| Return on Equity | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------------------------------------|---------|---------|---------|---------|---------|
| Approved vide order dated 11.3.2011 | 392.59 | 417.36 | 489.03 | 577.82 | 619.56 |
| Claimed by the petitioner | 393.04 | 397.44 | 401.17 | 404.27 | 417.70 |
| Allowed after truing up in this order | 312.42 | 396.70 | 399.54 | 401.99 | 413.13 |

Interest on Loan (“IoL”)

26. Regulation 13 of the RLDC fees regulations 2009 provide the methodology for working out weighted average rate of Interest on Loan. The Commission in its earlier order dated 11.3.2011 in Petition No. 91/2010 has observed that:-

“...The interest on Loan has been calculated on the basis of the interest rate prevailing as on 1.4.2009. Any change in rate of Interest subsequent to 1.4.2009 will be considered at the time of truing up.”



27. The petitioner has submitted the weighted average rate of IoL, based on its actual loan portfolio and rate of interest. Accordingly, the IoL has been calculated based on actual interest rate submitted by the petitioner, in accordance with the Regulation 13 of the RLDC fees regulations 2009.

28. As mentioned in para 23 above, debt portion of the capital cost has been financed from LDC development fund, therefore, no IoL is being allowed on the Add-Cap for 2009-14. The details of weighted average rate of interest are placed in Annexure-1. The IoL worked out is as follows:-

(₹ in lakh)

| Interest on Loan | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Approved vide order dated 11.3.2011 | 141.85 | 38.79 | 0.00 | 0.00 | 0.00 |
| Claimed by the petitioner | 98.72 | 20.98 | 0.00 | 0.00 | 0.00 |
| Allowed after truing up in this order | 98.72 | 20.98 | 0.00 | 0.00 | 0.00 |

Depreciation

29. The depreciation has been worked out as per the methodology provided in the Regulation 14 of the RLDC fees regulations 2009. The depreciation allowed is as follows:-

(₹ in lakh)

| Depreciation | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------------------------------------|----------------|----------------|----------------|----------------|----------------|
| Approved vide order dated 11.3.2011 | 3545.69 | 3621.31 | 1297.48 | 1217.70 | 572.30 |
| Claimed by the petitioner | 3546.51 | 3217.26 | 209.59 | 175.56 | 80.23 |
| Allowed after truing up in this order | 3546.48 | 3573.72 | 244.93 | 38.48 | 24.00 |

Operation & Maintenance Expenses (“O&M Expenses”)

30. The summary of O&M expenses allowed during the control period 2009-14 is as



under:

(₹ in lakhs)

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|--|----------------|----------------|----------------|----------------|----------------|
| Repairs and maintenance Expenses | 995.48 | 996.70 | 997.98 | 999.34 | 1000.77 |
| Administrative and general expenses, etc | 250.93 | 265.28 | 280.45 | 296.50 | 313.46 |
| Total O&M Expenses | 1246.41 | 1261.98 | 1278.43 | 1295.84 | 1314.23 |

31. Against the above the summary of actual O&M expenses incurred by the petitioner during the control period 2009-14 is as under:-

(₹ in lakhs)

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|--|----------------|----------------|----------------|----------------|----------------|
| Repairs and maintenance expenses | 1003.33 | 969.95 | 1007.10 | 926.94 | 840.66 |
| Administrative and general expenses, etc | 367.56 | 464.06 | 402.66 | 534.54 | 377.70 |
| Total O&M Expenses | 1370.89 | 1434.01 | 1409.76 | 1461.48 | 1218.36 |

32. The petitioner has submitted the following reasons for variation in the actual expenses from the approved expenses:

(i) The AMC of SCADA system (including both domestic and foreign components) was awarded for two years at an amount of Rs. 1787 Lakhs. The contract was renewed for further two years in October 2012 at an amount of Rs. 1394.00 lakh for two years contract which has led to the reduction of the repair and maintenance charges.

(ii) Under administrative and general expenses, the expenses on account of watch & ward expenses have increased due to effect of six pay commission. It is to state that the security service in NRLDC is provided by CISF.

33. Clause 4 of Regulation 15 of the RLDC fees regulations provides that:-



“(4) The actual expenditure towards Annual Maintenance Contract (AMC), after prudence check, shall be considered in arriving at the Operation and Maintenance Expenses during 2009-10 to 2013-14”

34. As there has been decrease in R&M expenses due to AMC of SCADA and increase in administrative and general expenses due to pay commission, therefore, the actual O&M expenses incurred by the petitioner have been allowed.

HUMAN RESOURCE EXPENSES

35. The summary of human resource expenses allowed by CERC during the control period 2009-14 is as under:

| | (₹ in lakhs) | | | | |
|--|--------------|---------|---------|---------|---------|
| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
| Normalised HR- Cost as per RLDC fees Regulations | 1113.90 | 1177.62 | 1244.98 | 1316.19 | 1391.48 |
| HR Cost for additional man power requirement | 0.0 | 78.51 | 110.66 | 175.49 | 247.37 |
| Total HR Expenses | 1113.90 | 1256.13 | 1355.64 | 1491.68 | 1638.85 |
| No. of Employees (Executive and Nonexecutive) | 90 | 96 | 98 | 102 | 106 |

36. The summary of actual human resource expenses incurred during the control period 2009-14 is as under:-

| Particulars | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|---------|---------|---------|---------|---------|
| Total HR Expenses (₹ in lakhs) | 1186.11 | 1401.66 | 1517.13 | 1494.78 | 1644.95 |
| No. of Employees (at the beginning of each year) | 82 | 88 | 89 | 90 | 88 |

37. The petitioner has submitted the reasons for increase in the actual expenses from the expenses approved by CERC as given below:-

(i) The HR expenses were calculated as per the regulation while keeping provisions of 50% increase in employee Salary in the year 2007- 08 and 2008-09 on account of pay

revision whereas the increase in the wages was much higher. This has resulted in the increase in HR expenses.

(ii) POSOCO is a subsidiary of POWERGRID. The employees posted in POSOCO are on secondment basis from POWERGRID and their total emoluments are protected. The manpower under the executive category has been added at regular intervals. During 2009 - 14, 24 executives have been posted in NRLDC at induction level, i.e. Engineer Trainee. Further strengthening is being done every year to meet the specialized manpower requirement on a sustained basis. The increase in manpower is being done gradually at the induction level to ensure career progression of the employees.

38. In view the justification submitted by the petitioner, the actual HR expenses incurred by the petitioner has been allowed.

(₹ in lakhs)

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------------------------------------|---------|---------|---------|---------|---------|
| Allowed after truing up in this order | 1186.11 | 1401.66 | 1517.13 | 1494.78 | 1644.95 |

Interest on Working Capital (“IWC”)

39. The IWC has been worked out as per the methodology provided in the Regulation 17 of the RLDC fees regulations 2009 and allowed as under:-

(₹ in lakh)

| Interest on Working Capital | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---------------------------------------|---------|---------|---------|---------|---------|
| Approved vide order dated 11.3.2011 | 180.72 | 192.27 | 153.07 | 162.53 | 157.59 |
| Claimed by the petitioner | 175.42 | 176.74 | 129.23 | 155.12 | 150.86 |
| Allowed after truing up in this order | 173.53 | 171.52 | 112.84 | 132.82 | 138.87 |

NLDC CHARGES



40. Regulation 18 (3) of the RLDC fees regulations provides for apportionment of the NLDC charges and corporate office expenses among the RLDCs as under:

“(3) NLDC charges and corporate office expenses shall be apportioned to the Regional Load Despatch Centre on the basis of the demand served in the respective region.”

41. In accordance with the above provision, NLDC charges as approved in petition No. 524/2014 have been apportioned among the five Regional Load Despatch Centres to be recovered along with their fees and charges.

APPROVED RLDC FEES AND CHARGES FOR THE CONTROL PERIOD 2009-14

42. The detailed computation of the various components of the tried up Fees and charges for Northern Regional Load Despatch Centre allowed during the control period 2009-14 is summarized as under:

(₹ in lakhs)

| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| Depreciation | | | | | |
| Opening Gross Block | 12615.41 | 12642.85 | 12848.93 | 12850.69 | 12917.94 |
| Addition during 2009-14 | 27.44 | 206.08 | 1.76 | 67.25 | -19.94 |
| Closing Gross Block | 12642.85 | 12848.93 | 12850.69 | 12917.94 | 12898.00 |
| Average Gross Block | 12629.13 | 12745.89 | 12849.81 | 12884.32 | 12907.97 |
| Rate of Depreciation | 28.0817% | 28.0382% | 28.0018% | 27.9775% | 27.9768% |
| Depreciable Value (excluding IT equipments and softwares) | 288.76 | 288.51 | 288.51 | 288.49 | 285.55 |
| Depreciable value of IT equipments and softwares | 12308.29 | 12425.33 | 12529.25 | 12563.77 | 12590.70 |
| Total Depreciable Value | 12597.05 | 12713.84 | 12817.76 | 12852.26 | 12876.24 |
| Depreciation | 3546.48 | 3573.72 | 244.93 | 38.48 | 24.00 |
| Interest on Loan | | | | | |
| Gross Normative Loan | 10998.76 | 10998.76 | 10998.76 | 10998.76 | 10998.76 |
| Cumulative Repayment upto Previous Year | 5335.81 | 8882.29 | 10998.76 | 10998.76 | 10998.76 |
| Net Loan-Opening | 5662.95 | 2116.47 | 0.00 | 0.00 | 0.00 |
| Addition due to Additional Capitalisation | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Repayment during the year | 3546.48 | 2116.47 | 0.00 | 0.00 | 0.00 |
| Net Loan-Closing | 2116.47 | 0.00 | 0.00 | 0.00 | 0.00 |
| Average Loan | 3889.71 | 1058.24 | 0.00 | 0.00 | 0.00 |
| Weighted Average Rate of Interest on Loan | 2.5379% | 1.9823% | 1.9362% | 2.1009% | 1.8170% |
| Interest | 98.72 | 20.98 | 0.00 | 0.00 | 0.00 |



| Return on Equity | | | | | |
|--|----------------|----------------|----------------|----------------|----------------|
| Opening Equity | 1616.65 | 1624.88 | 1686.71 | 1687.24 | 1707.41 |
| Addition due to Additional Capitalisation | 8.23 | 61.82 | 0.53 | 20.18 | -5.98 |
| Closing Equity | 1624.88 | 1686.71 | 1687.24 | 1707.41 | 1701.43 |
| Average Equity | 1620.77 | 1655.80 | 1686.97 | 1697.32 | 1704.42 |
| Return on Equity (Base Rate) | 16.00% | 16.00% | 16.00% | 16.00% | 16.00% |
| Tax rate for the respective years | 16.995% | 33.217% | 32.445% | 32.445% | 33.990% |
| Rate of Return on Equity (Pre Tax) | 19.276% | 23.958% | 23.684% | 23.684% | 24.239% |
| Return on Equity (Pre Tax) | 312.42 | 396.70 | 399.54 | 401.99 | 413.13 |
| Interest on Working Capital | | | | | |
| NLDC Charges | 29.61 | 52.17 | 46.00 | 67.34 | 79.40 |
| O & M Expenses Excluding Human Resource Expenses | 114.24 | 119.50 | 117.48 | 121.79 | 101.53 |
| Human Resouce Expenses | 98.84 | 116.81 | 126.43 | 124.57 | 137.08 |
| Receivables | 1173.91 | 1270.78 | 706.03 | 722.95 | 732.02 |
| Total | 1,416.60 | 1,559.26 | 995.93 | 1,036.64 | 1,050.03 |
| Rate of Interest | 12.25% | 11.00% | 11.33% | 12.81% | 13.23% |
| Interest | 173.53 | 171.52 | 112.84 | 132.82 | 138.87 |
| Annual Fees and Charges | | | | | |
| Depreciation | 3546.48 | 3573.72 | 244.93 | 38.48 | 24.00 |
| Interest on Loan | 98.72 | 20.98 | 0.00 | 0.00 | 0.00 |
| Return on Equity | 312.42 | 396.70 | 399.54 | 401.99 | 413.13 |
| Interest on Working Capital | 173.53 | 171.52 | 112.84 | 132.82 | 138.87 |
| O & M Expenses Excluding Human Resource Expenses | 1370.89 | 1434.01 | 1409.76 | 1461.48 | 1218.36 |
| Human Resouce Expenses | 1186.11 | 1401.66 | 1517.13 | 1494.78 | 1644.95 |
| NLDC Charges & Corporate Office expenses | 355.29 | 626.08 | 551.96 | 808.12 | 952.83 |
| Total | 7043.44 | 7624.67 | 4236.16 | 4337.68 | 4392.13 |

43. The total truing up liability due to the variation in the trued up charges and the charges allowed vide order No. 91/2010 is as under:

| | (₹ in lakhs) | | | | |
|---|----------------|---------------|-----------------|-----------------|----------------|
| | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
| Fees and Charges allowed vide order no. 91/2010 | 7321.40 | 7701.54 | 5644.60 | 5959.83 | 5595.73 |
| Trued up fees and charges | 7043.44 | 7624.67 | 4236.16 | 4337.68 | 4392.13 |
| Truing up liability | -277.96 | -76.87 | -1408.44 | -1622.15 | -1203.6 |

44. The petitioner has also claimed Foreign Exchange Rate Variation (FERV) of Rs. 523.38 lakhs on the foreign loan during the 2009-14 control period as under:-



(₹ in lakhs)

| Details | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 | Total |
|--------------------|--------------|--------------|--------------|--------------|---------------|---------------|
| FERV NRLDC-IBRD-II | 32.07 | 21.69 | 66.82 | 155.79 | 243.52 | 519.89 |
| FERV NLDC Portion | 0 | 0 | -0.57 | 1.01 | 3.05 | 3.49 |
| Total FERV | 32.07 | 21.69 | 66.25 | 156.8 | 246.57 | 523.38 |

45. In accordance with para 5.4 of the Statement of Reasons in the RLDC fees regulations 2009, the foreign exchange rate variation corresponding to the normative foreign debt, in the relevant year on year-to-year basis as expense in the period in which it arises shall be recoverable.

46. The representative of POSOCO, during the hearing on 31.3.2015, requested the Commission to allow it to refund the excess amount of fees and charges recovered from the beneficiaries along with interest in one instalment, within three months from the date of approval by the Commission, instead of the six instalments as provided in the RLDC fees regulations 2009.

47. Taking into consideration the submissions made by the RLDCs in the petitions and by the representative of POSOCO during the hearing, the Commission directed the petitioner to refund 95% of the refundable fees and charges as specified in the petition in case of NLDC, NRLDC, SRLDC, WRLDC and ERLDC along with interest in one instalment within two months. The interest on refundable amount is to be worked out on yearly basis till the amount is refunded in one instalment. However, in case of NERLDC, shortfall in fees and charges can be recovered after issue of final order.

48. This order disposes of Petition No.525/TT/2014.

Sd/-
(A.S. Bakshi)
Member

Sd/-
(A. K. Singhal)
Member

Sd/-
(Gireesh B. Pradhan)
Chairperson



Annexure 1

| CALCULATION OF WEIGHTED AVERAGE RATE OF INTEREST ON LOAN | | | | | | |
|---|--|---|----------------|----------------|----------------|----------------|
| (Rs. in Lacs) | | | | | | |
| | Details of Loan | 2009-10 | 2010-11 | 2011-12 | 2012-13 | 2013-14 |
| 1 | IBRD- II | | | | | |
| | Gross loan opening | 10998.76 | 10998.76 | 10998.76 | 10998.76 | 10998.76 |
| | Cumulative Repayment upto DOCO/previous year | 1201.25 | 1734.83 | 2302.74 | 2907.29 | 3550.94 |
| | Net Loan-Opening | 9797.51 | 9263.93 | 8696.02 | 8091.47 | 7447.82 |
| | Additions during the year | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | Repayment during the year | 533.58 | 567.91 | 604.55 | 643.64 | 685.06 |
| | Net Loan-Closing | 9263.93 | 8696.02 | 8091.47 | 7447.82 | 6762.77 |
| | Average Loan | 9530.72 | 8979.98 | 8393.75 | 7769.65 | 7105.30 |
| | Rate of Interest | 2.54% | 1.98% | 1.94% | 2.10% | 1.82% |
| | Interest | 241.88 | 178.01 | 162.52 | 163.23 | 129.10 |
| | Rep Schedule | 30 Half yearly Installments from 15.12.2006 | | | | |
| | | | | | | |
| | | | | | | |
| | Total Loan | | | | | |
| | Gross loan opening | 10998.76 | 10998.76 | 10998.76 | 10998.76 | 10998.76 |
| | Cumulative Repayment upto DOCO/previous year | 1201.25 | 1734.83 | 2302.74 | 2907.29 | 3550.94 |
| | Net Loan-Opening | 9797.51 | 9263.93 | 8696.02 | 8091.47 | 7447.82 |
| | Additions during the year | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | Repayment during the year | 533.58 | 567.91 | 604.55 | 643.64 | 685.06 |
| | Net Loan-Closing | 9263.93 | 8696.02 | 8091.47 | 7447.82 | 6762.77 |
| | Average Loan | 9530.72 | 8979.98 | 8393.75 | 7769.65 | 7105.30 |
| | Rate of Interest | 2.54% | 1.98% | 1.94% | 2.10% | 1.82% |
| | Interest | 241.88 | 178.01 | 162.52 | 163.23 | 129.10 |

