

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 180/MP/2016

Subject : Petition under Section 79(1) (c), (d) and (f) of the Electricity Act 2003 read along with Regulation 55 of the Tariff Regulations, 2014 and Regulation 111 (Inherent Powers), Regulation 115 (Power To Remove Difficulties) of the CERC (Conduct of Business) Regulations, 1999.

And

Petition seeking directions from the Central Electricity Regulatory Commission against NTPC Limited to bear/pay the IEDC charges for the associated transmission system with Barh Generation in lieu of the order dated 3.3.2016 of the Supreme Court of India and the Indemnification Agreement dated 15.3.2002 signed between the parties.

Petitioner : Power Grid Corporation of India Limited

Respondent : NTPC Limited

Date of hearing : 19.1.2017

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

Parties present : Shri Sanjay Sen, Senior Advocate, PGCIL
Shri Ruth Elwin, Advocate, PGCIL
Shri Sakie Jakharia, Advocate, PGCIL
Ms. Manju Gupta, PGCIL
Shri Aryaman Saxena, PGCIL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Shankar Saran, NTPC
Shri Nishant Gupta, NTPC

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to NTPC to comply with the Commission's direction dated 30.6.2015 in Petitions No. 267/2010 and 227/TT/2013 wherein the Commission while re-determining the transmission tariff from the revised COD of the petitioner had categorically observed that NTPC should bear IDC and IEDC for a period of six months. Learned counsel submitted that pursuant to the said order dated 30.6.2015, the petitioner raised bills to NTPC towards the outstanding/un-capitalized IDC/IEDC. However, NTPC paid only IDC amount for a period of six months and refused to pay

the IEDC and claimed that the same is not covered under the scope of Indemnification Agreement.

2. Learned senior counsel referred to para 34 of the Commission's order dated 30.6.2015 in Petitions No. 267/2010 and 227/TT/2013 and requested to clarify the direction given in the said para with regard to the capitalisation of IDC and IEDC. Learned counsel for NTPC had no objection in this regard.

3. Learned senior counsel for the petitioner further submitted that if the amount of IEDC for the said period is not permitted to be recovered from NTPC, the corresponding amount should not be reduced from the capital cost of the assts.

4. After hearing the learned senior counsel for the petitioner and learned counsel for the respondent, the Commission reserved the order in the petition.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**