

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 309/GT/2018**

Subject : Revision of tariff of NathpaJhakri Hydro Electric Power Station (6x250 MW) for the period 1.4.2009 to 31.3.2014- Truing-up of tariff determined by the Commission's order dated 20.6.2014 in Petition No.168/GT/2013

**Petition No. 310/GT/2018**

Subject : Revision of tariff of NathpaJhakri Hydro Electric Power Station (6x250 MW) for the period 1.4.2004 to 31.3.2009

**Petition No. 314/GT/2018**

Subject : Determination of generation tariff of NathpaJhakri Hydro Electric Power Station (6x250 MW) for the period 1.4.2014 to 31.3.2019

Petitioner : SJVN Limited

Respondents : PSPCL& Others

Date of hearing : 15.11.2018

Coram : Shri P.K.Pujari, Chairperson  
Dr. M.K. Iyer, Member

Parties present : Shri Romesh Kapur, SJVNL  
Shri Rajeev Aggarwal, SJVNL  
Shri Sanjay Kumar, SJVNL  
Shri Atul Harkat, SJVNL  
Shri R.B.Sharma, Advocate, BRPL  
Shri MohitMudgal, Advocate, BRPL

**Record of Proceedings**

These petitions were taken up for hearing today.

2. During the hearing, the representative of the Petitioner, SJVNL submitted that the MOP, GOI vide letter dated 21.8.2018 has approved RCE-IV of Rs 8575.283 crore including cost overrun of Rs 387.57 crore of the generating station. Accordingly, in terms of the liberty granted by this Commission in various tariff orders, the above petitions have been filed for revision/ approval of tariff of the generating station for the periods 2004-09, 2009-14 & 2014-19. Accordingly, the representative of the petitioner submitted that revision / approval of tariff of the generating station may be approved as prayed for in the petitions.

3. The learned counsel for the Respondent, BRPL raised the question of 'maintainability' of the Petition and mainly submitted as under:



(i) In terms of para 11 of Commission's order dated 16.1.2013 in Petition No. 27/2011, it is evident that the issue of maintainability is yet to be decided by the Commission.

(ii) Though liberty was granted to the Petitioner to approach the Commission after approval of RCE from the Central Govt., the said liberty is to be limited to the tariff period and cannot be extended to the other tariff periods. In this regard, the Hon'ble Supreme Court in its judgment dated 3.3.2009 in Civil Appeal No. 1110 of 2017 has held that the claim is permissible only when the tariff regulation is in force and not afterwards. This judgment also partially answers the issue of maintainability of the petitions.

(iii) The Design Energy as set out in the Techno Economic Clearance of the CEA should be considered for the generating station.

(iv) Reply filed in the Petitions may be considered.

4. In response, the representative of the Petitioner submitted that the issue of maintainability had been disposed of by the Commission in order dated 16.1.2013 in Petition No. 27/2011. Also, the Commission in order dated 22.8.2013 in Petition No. 1/RP/2013 had held that the claim of the petitioner for actual additional capital expenditure incurred during the period 2004-09 was to be governed by the 2004 Tariff Regulations, and not the 2009 Tariff Regulations. As regards Design Energy, the representative submitted that Design Energy of 6612 MU has been approved by CEA and the same may be considered.

5. The Commission after hearing the parties directed the Petitioner to submit, on affidavit, the following additional information, with copy to the Respondents, on or before **1.12.2018**:

(a) Duly certified reconciliation statement showing adjustments of advances paid towards the asset in use but not capitalized due to non-settlement of claims with the gross block as on 1.4.2004, 5.5.2004, 17.5.2004 and thereafter;

(b) Duly certified reconciliation statement showing adjustments of advances paid to the contractors with the gross block of ₹13983.44 lakh as on 18.5.2004, ₹12539 lakh as on 1.4.2005, ₹11346.16 lakh as on 1.4.2006 and ₹11338.60 lakh as on 1.4.2007;

(c) Party wise and asset wise liability flow statement from 1.4.2004 to 31.3.2019; and

(d) Editable soft copy of detailed calculation of capital cost during 2004-09 with proper linkage.

4. The Respondents shall file their response on or before **15.12.2018** with advance copy to the Petitioner, who shall file its rejoinder if any, by **22.12.2018**. The parties shall ensure the completion of pleadings within the due date mentioned and no extension of time shall be granted for any reason whatsoever.



5. Subject to the above, order in the petitions was reserved.

By order of the Commission

*Sd/-*  
(B.Sreekumar)  
Dy. Chief (Law)

