

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 32/RP/2017 alongwith I.A. 59/2017**

**In  
Petition No. 325/GT/2014**

**Coram:**

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

**Date of Order: 15<sup>th</sup> January, 2018**

**In the matter of**

Review of the Commission's order dated 10.4.2017 in Petition No. 325/GT/2014 for approval of tariff of Gandhar Gas Power Station (657.39 MW) for the period 2014-19

**And**

**In the matter of**

Interlocutory Application for condonation of delay

**And**

**In the matter of**

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

**...Petitioner**

**Vs.**

1. Madhya Pradesh Power Management Company Limited  
Shakti Bhawan, Vidhyut Nagar,  
Jabalpur – 482008

2. Maharashtra State Electricity Distribution Company Limited,  
Prakashgad, Bandra (East),  
Mumbai – 400051

3. Gujarat Urja Vikas Nigam Limited,  
Vidyut Bhawan, Race Course,  
Vadodara – 390007

4. Chhattisgarh State Power Distribution Company Limited,  
P.O. Sundar Nagar,  
Danganiya, Raipur – 492013



5. Government of Goa,  
Electricity Department, Vidyut Bhawan,  
Panaji, Goa

6. Electricity Department,  
Administration of Daman and Diu  
Daman – 396210

7. Electricity Department,  
Administration of Dadra and Nagar Haveli,  
Silvasa

...Respondents

**Parties present:**

Shri Ajay Dua, NTPC  
Shri Manish Jain, NTPC

**Interim Order**

The petitioner, NTPC Ltd has filed this petition seeking review of Commission's order dated 10.4.2017 in Petition No. 325/GT/2014 regarding approval of tariff of Gandhar Gas Power Station (657.39 MW) (hereinafter referred to as "generating station") for the period 2014-19 in terms of the provisions of the Central Electricity Regulatory Commission (Terms & Conditions of Tariff) Regulations, 2014.

2. Aggrieved by the said order dated 10.4.2017, the petitioner has submitted that there are errors apparent on the face of the order and has sought review on the following issues:

- i) *Calculation of weighted average balance useful life of the station.*
- ii) *Un serviced Capital expenditure against partial R&M of GT-1 in 2012-13 and 2013-14*
- iii) *Deduction of amount against Capital Spares from the admitted additional capitalization against R&M of GT-1 and GT-2 in 2014-19*
- iv) *Adjustment of Cumulative depreciation on account of De-Capitalization*

**Interlocutory Application**

3. The petitioner has filed Interlocutory Application (IA) (I.A. No. 59 of 2017) praying for condonation of delay of 76 days in filing of the review petition. In justification of the same, the petitioner has submitted that the order dated 10.4.2017 was uploaded on the website of the Commission on 11.4.2017. It has further submitted that the executions and capital expenditures



on the works were in purview of two tariff periods i.e. 2009-14 and 2014-19 with historical references, the data handling, reassessing & retracing of the calculation of the variables with reference to the same and limited available backups took a significant time. During the hearing, the representative of the petitioner mainly reiterated the submissions in the petition and accordingly, prayed that the delay in filing of this review petition may be condoned keeping in view the intricacy involved in the case.

4. The matter has been examined. As per Regulation 103 (1) of the Central electricity Regulatory Commission (Conduct of Business) Regulations, 1999, an application for review shall be filed within 45 days of making such decision, directions or order. In the present case the Commission's order dated 10.4.2017 was uploaded in the website of the Commission on 11.4.2017 and was dispatched on 12.4.2017. Accordingly, the review petition was required to be filed by the petitioner by 26.5.2017. It is however, noticed that the review petition has been filed on 11.8.2017 thereby causing a delay of 76 days in the filling of this petition.

5. It is noticed that in the present case, two tariff orders dated 30.3.2017 and 10.4.2017 in respect of the generating station related to the period 2009-14 and 2014-19 respectively were issued by the Commission. The petitioner has stated that it took time to analyse both the tariff orders and after analysis found certain errors apparent in the orders and accordingly, has filed the review petition. In this backdrop, we are of the considered view that the delay in filling of the review petition is to be condoned. We direct accordingly. The IA is disposed in terms of above.

6. The Commission directed to admit the review petition on the issues raised in para (2) above and order issuance of notice to the respondents.

7. The petitioner is directed to serve the copy of the review petition along with this order on the respondents by 22.1.2018. The respondents shall file their replies by 2.2.2018, with copy to



the petitioner, who shall file its rejoinder, if any, by 9.2.2018. The parties shall ensure the completion of the pleadings prior to the next date of hearing.

8. Petition shall be listed for hearing on 13.2.2018.

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

**-Sd/-**  
**(A. S. Bakshi)**  
**Member**

**-Sd/-**  
**(A. K. Singhal)**  
**Member**

