

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 276/GT/2018**

Subject : Petition for determination of tariff of 2x600 MW Coal Based Power Project at Village-Derang, District-Angul, Odisha for the period commencing from 12.2.2015 for the control period of 2014-2019

Date of Hearing : **25.7.2019**

Petitioner : Jindal India Thermal Power Limited

Respondents : GRIDCO Ltd. & ors

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

Parties present : Shri Matrugupta Mishra, Advocate, JITPL  
Shri Omar Wazri, Advocate, JITPL  
Shri Rajkumar Mehta, Advocate, GRIDCO  
Ms. Himanshi Andley, Advocate, GRIDCO

**Record of Proceedings**

During the hearing, the learned counsel of the Respondent, GRIDCO submitted that it has filed Interlocutory application raising the preliminary issue of maintainability of the Petition. The learned counsel further submitted that the Petitioner has filed Writ Petition challenging the legality and validity of MOUs & PPAs executed by the Petitioner with the State of Odisha and also the State Thermal Policy dated 8.8.2008 before Odisha High Court and the decision of the Court will have an impact in the present petition. Accordingly, the learned counsel prayed that the Commission may hear the IA and decide the issue of maintainability.

2. In response, the learned counsel for the Petitioner clarified that the OERC vide its order dated 26.2.2018 had decided that the determination of tariff for power supplied by the Petitioner to GRIDCO falls within the jurisdiction of this Commission. He further submitted that prayers in the said Writ Petition before the High Court is different from the prayers in the present Petition. He accordingly submitted that the Petition is maintainable and the Commission may hear the same on merits.

3. The Commission after hearing the parties directed the Petitioner to file its reply to the IA on or before **26.8.2019**, with copy to Respondent GRIDCO who may file its rejoinder by **9.9.2019**. Meanwhile, the Petitioner is directed to file the following additional information:



(i) Clarification regarding ₹1097.47 lakh (addition during the period 1.4.2015 to 19.4.2015 as per Form-1(I)) and ₹2528.55 lakh (corresponding liability addition as reflected) with supporting details;

(ii) Re-furnish legible copy of details regarding loan;

(iii) Clarification along with rectification of necessary details with respect to de-capitalisation of assets due to variance with the details of Deduction from Gross Block as submitted at Form 9C;

(iv) Revised tariff claim due to change in additional capital expenditure as considered at form 1(I) and amend necessary tariff forms having consequential impact thereon;

(v) Clarification regarding whereabouts of expenses booked in the book of accounts, if not capitalised to Gross Block/CWIP till 6.6.2014;

(vi) Clarification/Reconciliation of the variance between the revised form 9 E which stated the Gross Block and corresponding liabilities to be ₹14999.33 lakh and ₹14046.59 lakh, respectively, and the claimed capital cost of ₹307071.07 lakh. Similar variance, if any, for other periods need to be clarified and rectified;

(vii) Furnish the COP of LOI dated 7.4.2009;

(viii) Duly filled form 14A;

(ix) Clarification of the variance between undischarged liability on 12.2.2015 as per Auditor Certificate stating ₹320.81 crore and Forms- 9E & 9F which states total liability of ₹4496.42 crore;

(x) Certification of ratio used for allocation of liability as on 12.2.2015 to be the same ratio as used for allocation of capital cost between the two units;

(xi) Balance scope of work within original scope of work, as on COD of the station, consisting of relevant details like cost, quantity etc. pertaining to each item of work/asset;

(xii) Furnish the schedule date and actual date for acquisition of land and the activities delayed due to late land acquisition;

4. IA shall be heard on 'maintainability' in due course for which separate notice will be issued to the parties.

By order of the Commission

Sd/-

(B.Sreekumar)  
Dy. Chief (Law)

