

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.279/GT/2018**

Subject : Petition for determination of final tariff for the period 11.10.2013 to 31.3.2014 in respect of Uri-II Power Station.

**Petition No.308/GT/2018**

Subject : Petition for determination of final tariff for the period 2014-19 in respect of Uri-II Power Station.

Petitioner : NHPC Ltd.

Respondents : PSPCL & ors

Date of hearing : **27.8.2019**

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

Parties present : Shri Rajiv Shankar Dwivedi, Advocate, NHPC  
Shri Piyush Kumar, NHPC  
Shri M.G.Gokhale, NHPC  
Shri V.N.Tripathi, NHPC  
Shri Dhanush C.K, NHPC  
Shri R.B.Sharma, Advocate, BRPL & BYPL  
Shri Mohit K. Mudgal, Advocate, BRPL & BYPL  
Ms. Sanya Sood, Advocate, BRPL & BYPL  
Shri Sanjay Srivastava, BRPL

**Record of Proceedings**

During the hearing, the learned counsel for the Petitioner mainly submitted as under:

(a) The COD of the generating station is 1.3.2014. The Commission vide its order dated 4.2.2016 in Petition No. 156/GT/2013 allowed the tariff for the generating station for the period 2009-14. Similarly, the provisional tariff for the station for the period 2014-19 was allowed by the Commission vide order dated 22.7.2016 in Petition No. 250/GT/2014, based on the anticipated capital cost.

(b) DIA report has been submitted and the same has been considered by the Commission in Petition No. 156/GT/2013. The RCE amounting to Rs 2290.02 crore has been recommended by CEA vide its letter dated 2.2.2015 and also approved by PIB on 28.3.2017. The RCE of the project has also been approved by the Board of Petitioner's company. However, RCE is yet to be approved by CCEA.



(c) There has been a time overrun of 51 months for which reasons have been furnished and the same has been considered by the Commission in Petition No. 156/GT/2013, wherein a delay of 49 months was condoned. However, PIB had allowed time overrun of 50 months.

2. Learned counsel for the Respondents, BRPL & BYPL submitted the following:

(a) The time overrun may be considered strictly in terms of the principles enunciated by the Tribunal in its judgment dated 27.4.2011 in Appeal No. 72 of 2010 (MSPGCL vs MERC & ors).

(b) Since RCE is yet to be approved by MOP, GOI, the determination of final tariff of generating station is subject to submission of approved RCE.

(c) The claim for additional capitalization under Regulations 14(1)(ii), 14(1)(iii), 14(3)(iii) & 14(3)(viii) are liable to be rejected on prudence check as the details furnished by the Petitioner are sketchy and do not justify the expenditures incurred by the Petitioner.

(d) The Commission in the event of modification of Design Energy (DE) had not allowed the benefits of secondary energy level upto the DE allowed at the time of TEC by the CEA i.e. DE of 1234 MU and the same was upheld by the Tribunal.

(e) Reply filed in the matter may be considered.

3. In response, the learned counsel for the Petitioner clarified that the Petitioner has furnished all relevant documents except approved RCE by MOP, GOI and the same is not a mandatory requirement for tariff determination in terms of the applicable regulations. As regards DE, the learned counsel submitted that the DE of the station was 1123.76 MU as per TEC and the same was considered by the Commission in Petition Nos. 156/GT/2013 & 250/GT/2014.

4. The Commission after hearing the parties reserved order in these Petitions.

**By order of the Commission**

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

