

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.282/GT/2018

Subject : Petition for determination of final tariff for the period 30.6.2012 to 31.3.2014 in respect of Chamera-III Power Station.

Petition No.321/GT/2018

Subject : Petition for determination of final tariff for the period 2014-19 in respect of Chamera-III 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. Sonya Sood, Advocate BRPL & BYPL
Shri Sanjay Srivastava, BRPL

Record of Proceedings

During the hearing, the learned counsel for the petitioner, NHPC mainly submitted the following:

(a) The Commission vide order dated 24.3.2015 in Petition No. 26/GT/2013 had allowed provisional tariff for the period 2009-14 on the basis of anticipated capital cost of the project. Subsequently, Petitions 194/GT/2015 & 249/GT/2014 were filed for the periods 2009-14 and 2014-19 respectively and the Commission vide its order dated 6.2.2017 disposed of these petitions for want of approved RCE by MOP, GOI.

(b) The project cost amounting to ₹2048.11 crore has been recommended by CEA. DIA report has also been submitted and the same has been considered by the Commission in Petition No. 26/GT/2013. However, approval of RCE by MOP, GOI is under process.

(c) The capital cost of ₹2042.41 crore and annual fixed charges of ₹408.37 crore have been claimed for the year 2013-14.



2. The learned counsel for the Respondent, BRPL has submitted as under:
 - (a) The Petitioner has not submitted proper justification for the additional capitalization claimed along with the provisions of the regulation under which the claims have been made.
 - (b) The time overrun may be considered strictly in accordance with the principles enunciated by the Tribunal in its judgment dated 27.4.2011 in Appeal No. 72 of 2010 (MSPGCL vs MERC & ors).
 - (c) The claim for additional capitalization under Regulations 14(1)(iii), 14(2), 14(3), 14(3)(ii) & 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 Design Energy as set out in the TEC shall be considered for the purpose of tariff and any change in the same shall require the approval of CEA.
 - (e) Reply filed in the matter may be considered.
3. In response, the learned counsel for the Petitioner clarified that RCE is under process for approval by MOP, GOI. As regards Design Energy, the learned counsel submitted that the Design Energy of the generating station as approved by CEA is 1108.17 MU. However, due to environmental reasons and for maintaining downstream discharge, proposal was sent to CEA for revision of Design Energy to 1086.37 MU.
4. The Commission after hearing the parties directed the petitioner to submit, on affidavit, the following additional information with advance copy to the Respondents, by **27.9.2019**:
 - (a) *Reconciliation of the capital cost as per Form- 5B and Form- 9A with respect to all soft cost components and undischarged liabilities;*
 - (b) *Reasons for variation between the claimed closing capital cost as on 31.3.2014 as per Petition No. 282/GT/2018 and the claimed opening capital cost as on 1.4.2014 as per Petition No. 321/GT/2018;*
 - (c) *Details with respect to FERC amounting to ₹211.06 lakh as claimed in Form-5B; and*
 - (d) *Basis of allocation of the accrued IDC to the respective units.*
5. The Respondents shall file their replies on or before **18.10.2019** with advance copy to the petitioner, who shall file its rejoinder, if any, by **25.10.2019**. Pleadings shall be completed by the parties within the due dates mentioned. No extension of time shall be granted for any reason whatsoever.
6. Subject to the above, order in these petitions was reserved.

By order of the Commission

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

