

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Suo Motu Petition No. 7/SM/2020

Coram:

**Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member**

Date of Order: 6th April, 2020

In the matter of

Extension of time to file petitions for determination of tariff in case of existing generating stations/ units by relaxation of Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019

ORDER

Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as the 2019 Tariff Regulations) provides as under:-

“9. Application for determination of tariff

(1) xxxx

(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 31.10.2019, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2019 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2019-24 along with the true up petition for the period 2014-19 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014.

2. In terms of the above provision, an application for determination of tariff of an existing generating station or unit thereof or a transmission system or element



thereof for the period 2019-24, is required to be filed by 31.10.2019, along with the true-up petitions for the period 2014-19.

3. Subsequently, PGCIL filed Petition No.331/MP/2018 seeking extension of time for 180 days to file tariff petitions in case of existing assets, in which tariff orders have already been issued and 180 days from the date of the issue of order, where tariff orders were yet to be issued. The Commission by order dated 28.10.2019 disposed of the prayer of PGCIL as under:

“8(a) Tariff petitions of the existing assets for truing up of the tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 period shall be filed by the Petitioner by 31.1.2020, where final orders for the 2014-19 period have already been issued. The applicable fees shall be paid along with the petition;

(b) In case of the existing assets, where final orders for the 2014-19 period are yet to be issued, tariff petitions for truing up of the tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 petition shall be filed by the Petitioner within three months from the date of issue of the final order for the period 2014-19 period. The fees for these petitions shall be paid on or before 31.12.2019 on the basis of provisional tariff already determined for 2014-19. Balance fee shall be paid along with the tariff petitions for the period 2019-24”

4. Thus, in terms of paragraph 8(b) of the said order, the generating companies and the transmission licensees were permitted to file tariff petitions for the period 2019-24 along with the truing up petitions for the period 2014-19, within three months from the date of issue of the final order for the period 2014-19.

5. Some of the generating companies namely NTPC and NHPC have addressed letters dated 2.4.2020 and 31.3.2020 to the Commission and pointed out that in terms of paragraph 8(b) of the Commission’s order dated 28.10.2019, the tariff petitions for the period 2019-24 in respect of some of its generating stations is required to be filed during the months of April, 2020 and May, 2020. They have pointed out that due to



the outbreak of COVID-19 and the declaration of lockdown by the Central Government for 21 days with effect from 24th March, 2020, to stop the spread of this pandemic, their offices are closed and hence, the process of compilation of information and preparation of tariff petition has been delayed and the filing of the same within the due dates during April, 2020 and May, 2020 was difficult. They have further submitted that the audit of tariff filing forms can only be possible after lifting of the lockdown i.e. after 14th April, 2020. Accordingly, these generating companies have sought extension of time for a further period of two months to file the tariff petitions in respect of some of its generating stations for the period 2019-24 along with trueing up petitions for 2014-19 period.

6. The Commission has taken note of the fact that the country is facing grave public health crisis on account of COVID-19 and as a measure to contain the spread of this pandemic, the Government of India has taken unprecedented measures to lockdown the country for a period of 21 days with effect from 25.3.2020. In this background and keeping in view the difficulties being faced by the generating companies in filing tariff petitions during this period, we are of the view that the generating companies may be allowed additional time to file the tariff petitions.

7. Provisions of Regulation 76 of the 2019 Tariff Regulations provide as under:

“76. Power to Relax: The Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person.”

8. Accordingly, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, we relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations



and permit the generating companies to file the tariff petitions for 2019-24 period along with truing up petitions for 2014-19 period, by 30.6.2020, where tariff orders for 2014-19 have been issued. The applicable fees shall be governed by the provisions of Regulation 3(1) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

9. We, however, make it clear that in case of the existing generating stations/ units or existing transmission assets, as the case may be, where final orders for the 2014-19 period are yet to be issued, the filing of tariff petitions for truing up of tariff of the 2014-19 tariff period and determination of tariff for the 2019-24 period shall be governed by our directions in paragraph 8(b) of order dated 28.10.2019.

10. Petition No. 7/SM/2020 is disposed of in terms of the above.

Sd/-
(I.S. Jha)
Member

Sd/
(P. K. Pujari)
Chairperson

