

CENTRAL ELECTRICITY REGULATORY COMMISSION
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Coram:

- 1. Shri Ashok Basu, Chairman**
- 2. Shri D.P. Sinha, Member,**
- 3. Shri G.S. Rajamani, Member**
- 4. Shri K.N. Sinha, Member**

Petition No. 25/2000

In the matter of

Fixation of Tariff for Kopili Hydro Electric Power Project for the year 2000-2001

And in the matter of

North Eastern Electric Power Corporation Ltd.Petitioner

VS

Assam State Electricity Board & others Respondents

The following were present:

1. Shri P. Das, ED (CE), NEEPCO
2. Shri P.K. Sinha, Sr. Manager (EL), NEEPCO
3. Shri A.G. West, DGM(F), NEEPCO
4. Shri C.D. Said, SE(SM), Meghalaya State Elec. Board
5. Shri H.M. Sharma, RE, ASEB
6. Shri C. Rana, AM(F), NEEPCO

ORDER
(DATE OF HEARING 23.7.2002)

In the present petition, the petitioner North-Eastern Electric Power Corporation Ltd has prayed for fixation of tariff in respect of Kopili Hydro Electric Power Station for the year 2000-2001 on two part tariff basis.

2. Kopili HEP comprises of two power stations namely Khandong and Kopili. Khondong Power Station is under commercial operation since 1984. Two units of

Kopili Power Station were put into operation during 1988 and remaining two units during 1997. In the 41st Board meeting of NREB held in May 1997, it was decided that a provisional tariff of 69.8 paise/unit shall be charged for the power supplied from Kopili HEP, pending approval of the competent authority for two part tariff for which a proposal was sent by the petitioner to CEA during March 1997. However, the competent authority had not notified the tariff till May 1999 when jurisdiction to regulate tariff in respect of generating companies owned or controlled by the Central Government came to be vested in the Commission. Therefore, the present petition was filed by the petitioner.

3. The proposal for two part tariff contained in the petition is based on tariff notification dated 30th March 1992 issued by Ministry of Power. The application of principles contained in Ministry of Power notification dated 30th March 1992 has been disputed by the respondents in view of the provisions of Para 3.3 and 3.4 of the said notification, according to which the terms and conditions contained therein apply to hydro power generating stations which commenced commercial operation on or after 1st January 1997 or whose financial package for investment was approved by CEA on or after the date of publication of notification in the official gazette. According to the respondents, the financial package in respect of Kopili HEP was approved prior to issue of the notification dated 30.3.1992.

4. We heard Shri P. Das on behalf of the petitioner and the representatives of the respondents present at the hearing. The terms and conditions for

determination of tariff in respect of stations in the North Eastern Region for the period prior to 1.4.2001 have not been notified by the Commission. In view of the non-applicability of the notification dated 30.3.1992 to Kopili HEP, we direct that for the year 2000-2001, the petitioner shall be entitled to final tariff of 69.8 paise/unit as agreed to in 41st meeting of NEREB.

5. So far as the period from 1.4.2001 is concerned, the tariff shall be determined based on the terms and conditions notified by the Commission on 26.3.2001. We, therefore, direct the petitioner to file a fresh petition for approval of tariff for the period from 1.4.2001 to 31.3.2004 in respect of Kopili HEP. We note that Khandong and Kopili are two separate stations, receiving power discharged from two different reservoirs with a distance of about 14 Kms. Therefore, while filing fresh petition, the petitioner shall furnish the details in respect of these two stations separately. The petition shall be supported by the details as required vide proformae prescribed under notification dated 26.3.2001.

Sd/-	Sd/-	Sd/-	Sd/-
(K.N. SINHA) MEMBER	(G.S. RAJAMANI) MEMBER	(D.P. SINHA) MEMBER	(ASHOK BASU) CHAIRMAN

New Delhi dated the 26th July 2002