

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram:

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri Bhanu Bhushan , Member**
- 3. Shri R. Krishnamoorthy, Member**

Petition No.11/2007

In the matter of

Approval of charges for Unified Load Despatch & Communication Scheme in Western Region for the period from 1.2.2006.

And in the matter of

Power Grid Corporation of India Limited, Gurgaon

.....**Petitioner**

Vs

1. Madhya Pradesh Power Transmission Company Ltd., Jabalpur
2. Maharashtra State Electricity Transmission Co. Ltd., Mumbai
3. Gujarat Energy Transmission Company Ltd., Baroda
4. Electricity Deptt., Government of Goa, Panaji
5. Electricity Deptt., Administration of Daman and Diu, Daman
6. Electricity Deptt., Administration of Dadra Nagar Haveli, Silvassa
7. Chhattisgarh State Electricity Board, Raipur
8. Madhya Pradesh Audyogik Kendra Vikas Nigam (Indore) Ltd, Indore..**Respondents**

The following were present:

1. Shri U.K. Tyagi, PGCIL
2. Shri V.V.Sharma, PGCIL
3. Shri A.K.Nagpal, PGCIL
4. Shri B.C.Pant, PGCIL
5. Shri Mohd. Mohsin, PGCIL
6. Shri S.K.Niranjana, PGCIL
7. Shri Harmeet Singh, PGCIL
8. Shri A.K. Garg, MPPTCL
9. Ms. Yogmaya Agnihotri, Advocate, CSEB

**ORDER
(DATE OF HEARING: 10.6.2008)**

The petition has been filed seeking approval of charges for Unified Load Despatch & Communication Scheme in Western Region (hereinafter referred to as

“the Scheme”) for the period from 1.2.2006. The petitioner also seeks reimbursement from the beneficiaries, of the expenditure incurred towards publication of notices in the newspapers and the petition filing fee.

2. The Scheme, designed to strengthen the load despatch infrastructure in Western Region, covers investment in WRLDC and SLDCs in the beneficiary States. The scope of the present petition is, however, limited to the determination of fees and charges for Western Regional Load Despatch Center under sub-section (4) of Section 28 of the Electricity Act, 2003 (the Act). We proceed accordingly.

3. The investment approval and expenditure sanction for the Scheme was accorded by the Central Government in Ministry of Power vide its letter dated 5.2.2001 at an estimated cost of Rs.26218 lakh, including IDC of Rs. 4699 lakh, consisting of (i) Power Grid's portion of Rs.25481 lakh, including IDC of Rs.4558 lakh and (ii) SEB's portion of Rs.737 lakh, including IDC of Rs. 141 lakh based on 2nd quarter 2000 price level. The Scheme was declared under commercial operation on 1.2.2006. The detailed break-up of the approved cost is given as under:

(Rs. in lakh)

	WRLDC	MPEB	Gujarat	Goa	Total
Power Grid's Share	7520	14161	2831	969	25481
State's Share		562	124	51	737
Total	7520	14723	2955	1020	26218

4. The petitioner has claimed the annual fees and charges for the Scheme as under

(Rs. in lakh)

	Central Sector		State Sector	
	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)
Annual Capital Recovery Charge - loan	762.84	37.20	480.64	41.29
Annual capital Recovery charges -Equity	385.10	20.48	242.64	22.73
Annual Capital Recovery Charge - Total	1147.94	57.68	723.28	64.02
O&M Expenses	724.32	0.00	0.00	0.00
Interest on Working Capital	48.91	1.00	12.57	1.11
Total charges including O&M charges and interest on working capital	1921.17	58.68	735.85	65.13

5. The details submitted by the petitioner in support of its claim for interest on working capital are given hereunder:

(Rs. in lakh)

Interest on working capital	Central Sector		State Sector	
	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)
Maintenance Spares	96.58	0.00	0.00	0.00
O&M Expenses	60.36	0.00	0.00	0.00
Receivables	320.19	9.78	122.64	10.86
Total	477.13	9.78	122.64	10.86
Rate of interest on working capital	10.25%	10.25%	10.25%	10.25%
Interest on working capital	48.91	1.00	12.57	1.11

6. The petitioner has clarified that as regards the State portion, O&M charges are to be borne by the States and the working capital comprises only 2 months receivables.

7. The petitioner has worked out the fees and charges based on principle of levelisation for the period up to 31.1.2021. However, in the present petition, the fees and charges are being approved for the period up to 31.3.2009, co-terminus with the present general tariff period ends.

8. The following principles have been adopted for calculation of fee and charges for the Scheme:

(a) Annual capital cost recovery shall be based on the levelised fees and charges for 15 years through recovery factor = $i(1+i)^n / (1+i)^{n-1} - 1$ where, i = weighted average rate of interest and rate of return on equity and n = period.

(b) IWC and O & M charges shall not be levelised.

(c) O&M charges shall be payable initially @ 7.5.% of the admitted capital cost.

(d) Actual O&M expenses incurred by the petitioner may, if found appropriate, be reimbursed with retrospective effect after a thorough scrutiny and prudence check.

(e) O&M expenses for State portion are not being considered as the expenses are being borne by the State utilities concerned, the respondents.

9. Replies to the petition have been filed by M.P.Power Trading Company Limited (MPPTCL), although MPPTCL has not been impleaded as a party respondent and Chhattisgarh State Electricity Board (CSEB). Both have pointed out that the generating companies have the liability to pay charges under sub-section (4) of

Section 28 of the Act. It has been contended that Ministry of Power notification dated 8.6.2005 issued in exercise of the powers under Section 183 of the Act is illegal. In addition, the following issues have been raised:

(a) Details of the expenditure from 1.2.2006 to 31.3.2006 as given in the petition are at variance with the details given in the Commission's order dated 27.11.2006 awarding fees and charges provisionally.

(b) Actual expenditure up to the date of commercial operation is Rs. 9658 lakh against the approved expenditure of Rs. 7520 lakh.

(c) Expenditure towards renovation of existing building of RLDC, staff quarters, etc. claimed by the petitioner is Rs. 1414.21 lakh whereas it was agreed to be Rs. 400 lakh as per the MOU between MPSEB/CSEB and the petitioner.

(d) Only supply cost of Optical Ground Wire (OPGW) link has been apportioned whereas the total cost including installation and commissioning, etc. need to be apportioned.

(e) Only the depreciated cost of Optical Fiber Cable (OFC) should be allowed.

(f) Sharing of cost of only six fiber of OFC in the central sector wideband network of ULDC project be considered for recovering the transmission charges from the beneficiaries and cost of balance fiber of OFC be booked to the petitioner for other purpose, as agreed by the petitioner.

(g) Allow apportionment of installation and commissioning cost in the ratio of 75:25, i.e. same as that of cost of OFC.

(h) The petitioner has apportioned the cost of certain links without obtaining concurrence of PCC for using them for ULDC purpose.

(i) Wherever old equipment/cable has been used, only depreciated value be taken for further apportionment.

(j) Details of the segregation of the cost of ULDC and the Powergrid communication business have not been provided.

(k) As O&M charges will be based on actual O&M expenses from second year onwards, there is no justification for providing escalation.

(l) Debt-equity ratio claimed in the petition is more than what was claimed in respect of Northern Region.

(m) Cost of spares be limited to 1.5% of the historical cost as per the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004 (hereinafter referred to as "2004 regulations").

(n) Reimbursement of income-tax and cost of publication of notices be not made pass through.

10. We proceed to deal with these objections broadly hereunder and in detail under the relevant heads which follow.

11. The respondents have sought to absolve themselves of the liability to pay the fees and charges based on the literal interpretation of sub-section 28 of the Act. According to them, Ministry of Power notification dated 8.6.2005 under Section 183 of the Act absolving the generating companies of the liability is illegal and ultra vires. For a proper appreciation of the issue, we consider it appropriate to give the brief background of the issue. Sub-section (4) of Section 28 of the Act provides as under:

“(4) The Regional Load Despatch Centre may levy and collect such fee and charges from the generating companies or licensees engaged in inter-State transmission of electricity as may be specified by the Central Commission.”

12. Sub section (1) of Section 183 of the Act read with the proviso thereto empowers the Central Government to make such provisions not inconsistent with the provisions of the Act as may appear to be necessary for removing of the difficulty within a period of two years from the date of commencement of the Act. In exercise of the above powers, the Central Government in the Ministry of Power, vide the Electricity (Removal of Difficulty) (Sixth) Order, 2005 dated 8.6.2005 has ordered as under:

“(1) The Regional Load Despatch Centre may levy and collect such fee and charges from the licensees using the inter-State transmission system as may be specified by the Central Commission.”

13. Legality of this provision has been questioned by MPPTCL and CSEB.

14. The respondents have not quoted any specific provision of the Act which empowers this Commission to examine the legality and validity of the statutory order made by the Central Government while exercising the powers under Section 183 of the Act.

15. The issue similar to that raised by the respondents was earlier considered by the Commission in Petition No. 8/2004. The Commission by its order dated 3.1.2006 in that petition observed that:

“6. Before we consider the merits of the petitioner’s claim, a preliminary issue raised by Respondent No. 13, Grid Corporation of Orissa (GRIDCO) deserves to be considered. According to GRIDCO, under sub-section (4) of Section 28 of the Act, RLDC fees and charges can be levied and collected from the generating companies and licensees engaged in inter-state transmission of electricity. It has been submitted that GRIDCO is neither a generating company nor a licensee engaged in inter-state transmission of electricity. Accordingly, it has been urged that GRIDCO does not have any liability to share RLDC fees and charges.

7. The Central Government in Ministry of Power, vide S.O.795 (E) dated 8.6.2005, published in Part II, Section 3(ii), Gazette of India (Extraordinary), by virtue of powers under Section 183 of the Act, has ordered that RLDC fees and charges may be levied and collected from “the licensees using the inter-state transmission system”. There is no dispute that GRIDCO has been using the inter-state transmission system. Therefore, by virtue of Ministry of Power order dated 8.6.2005, GRIDCO is liable to share RLDC fees and charges being determined through this order. This disposes of the preliminary objection raised by GRIDCO.”

16. The Commission, it is observed, has already given effect to the order of the Central Government issued under Section 183 of the Act. For the view already taken by the Commission on the issue, we are not inclined to consider the objection afresh.

17. As regards the variations in the cost pointed out by the respondents, the petitioner has furnished the detailed reasons as directed vide the Commission’s order dated 27.11.2007. We are satisfied that the expenditure incurred by the petitioner passes the prudence test and allow the same. The petitioner has also clarified that apportionment of the cost of fibre optic for recovery from the beneficiaries has been made in accordance with the guidelines of the Central Government.

18. Next issue is regarding apportionment of the cost between ULDC and Powergrid telecom. The petitioner has clarified that only the cost of repeater shelters made at Kawas and Gandhar generating stations to accommodate ULDC equipment have been taken into account. The petitioner has also corrected the typographical mistake whereby Rs. 1.16 crore was shown as Rs. 0.116 crore. The petitioner has confirmed that the cost of the OPGW has been booked after excluding the accumulated depreciation.

19. In these proceedings we are allowing O&M charges provisionally without any escalation. Normalization of O&M charges and prudence of actual O&M charges shall be carried out after receipt of further details of actual O&M charges. Thus the objection of the respondent in this regard is taken care of.

20. We do not find any merit in the contention of the respondents that debt-equity ratio must be equal to what was allowed for Northern Region. Equity being less than 30% we allow overall debt-equity ratio of 75.42:24.58 in accordance with the 2004 regulations. The petitioner has attributed the higher percentage of the cost of initial spares to high degree of reliability of the system and the vital nature of the information provided by the ULDC for grid operation and control. The petitioner has also intimated that the requirement was included in the contract documents for various packages with due vetting by the constituents.

21. As regards reimbursement of income-tax and cost of publication of public notices, we propose to maintain status quo.

TIME OVER-RUN

22. The Scheme was to be commissioned by February 2005, but was declared under commercial operation on 1.2.2006. The petitioner has explained that the delay in completion was due to the condition stipulated in the TEC issued by the CEA that consent of beneficiaries for participating in the Scheme as well as sharing of cost was obtained by way of signing of MOUs with the beneficiaries before taking up implementation. It has been submitted that despite consistent persuasion by the petitioner, CEA and Ministry of Power, the signing of MOUs could not be completed before August 2002 causing delay of 19 months in finalization of contracts for various equipments packages. In the light of these facts we conclude that the reasons for delay of one year are beyond the control of the petitioner.

ADDITIONAL CAPITALISATION

23. The petitioner has sought approval of fees and charges after accounting for additional capital expenditure of Rs. 1025.73 lakh from the date of commercial operation to 31.3.2006 as per details given below:

Particulars	Amount (Rs in lakh)
Survey and Consultancy charges	3.32
Building and other civil works	13.32
EMS/SCADA system	764.64
Fibre optic system	31.69
PLCC/PABX	29.54
Telecom Equipment	132.13
Auxiliary power supply system	51.09
TOTAL	1025.73

24. The petitioner has furnished the break-up of the excess anticipated expenditure. It is seen that the same is mainly on account of increase in certain civil works and communication accessories/equipments. In respect of increase in communication cost, the petitioner has submitted that original scheme and FR were approved with wide band communication system with mix of microwave and fibre optic communication. During 5th Project Coordination Committee (PCC) meeting held on 17.11.2000, all the constituents desired that remaining microwave links be replaced with fibre optic cables. CEA also expressed a similar view. In case of certain important links, redundancy from RTU to nearest control centers and between main control centers was provided which resulted in increase in cost of communication equipment.

25. Increase in the cost of civil works has been attributed to procurement of staff quarters for WRLDC employees. In this connection the petitioner has explained that WRLDC was taken over by the petitioner with effect from 1.1.1996. Along with RLDC function, some of erstwhile WREB/CEA staff were also transferred. However, the staff of WREB/CEA residing in WREB colony were accommodated in the colony. Due to deployment of new staff by the petitioner for managing O&M, F&A and P&A functions and non-handing over of quarters by WREB staff, requirement of additional flats was considered for acquisition from MHADA in Mumbai and 28 flats were procured at a cost of Rs 7.24 crore. Revised Cost Estimates, based on price level of 3rd quarter of 2002, of the project were conveyed to constituents during 6th PCC meeting held on 28.11.2002. Details of cost of renovation works including civil, electrical and air conditioning packages, horticulture and staff quarters have been furnished.

26. The petitioner has further clarified that during 5th PCC meeting held on 17.11.2000, all the constituents agreed to the use of fibre optic cable for

communication. MPSEB and GEB requested to include some of the communication links for their sub-LDC connectivity in the communication scheme.

27. The explanation given by the petitioner has been considered. The additional capital expenditure claimed is found to be in order being against the committed liability. Therefore, the additional capital expenditure of Rs. 1025.73 lakh for the period 1.2.2006 to 31.3.2006 has been approved.

CAPITAL COST

28. The details of capital expenditure submitted by the petitioner are as follows:

(Rs. in lakh)

Expenditure up to 31.1.2006	15742.68
Expenditure from 1.2.2006 to 31.3.2006	1025.73
Gross block as on 31.3.2006	16768.41
Balance estimated expenditure	1395.53
Total	18163.94

29. The petitioner was directed vide the Commission's order dated 27.11.2007 to explain the reasons for reduction in scope of communication system for MPSEB/CSEB and reduction in taxes and duties. In this regard, the petitioner has explained that MPSEB communication system was initially envisaged with combination of Microwave and fiber optic system with estimated cost of Rs 32.58 crore. Later on it was decided to replace microwave with fiber optic which reduced its cost to Rs 22.74 crore. Subsequently, Chhattisgarh State was formed and cost of communication system for CSEB was Rs 4.78 crore. Reduction in taxes and duties

were mainly due to reduction in scope of supply equipment and spares for MPSEB under communication head. Further, there was waiver of taxes and duties as the Scheme was funded by the World Bank. Change in tax structure by the concerned State Government from time to time and abolishing of old forms and formalities had reduced taxes and duties for MPSEB and CSEB.

30. The petitioner was also directed vide the Commission's order dated 27.11.2007 to explain the higher cost of mandatory spares for various constituents. The petitioner has explained that ULDC project requires high degree of reliability. Taking into account the problems foreseen on availability/higher cost of procurement of compatible spares in future, the spares requirement in ULDC project was kept at 10% of the main equipment. This was decided in consultation with constituents in initial phase of project and also reflected in FR. The higher cost of mandatory spares was primarily due to off-shore nature of spares and this was mainly for SCADA/EMS and telecommunication packages. The spare cost when viewed as percentage of main equipment also depends on configuration of individual constituent like CSEB and GED which were having smaller configuration but since minimum spares requirement quantity wise was similar to other constituents, the spare cost was comparatively higher when viewed as percentage of equipment cost. The petitioner has also furnished the cost details of mandatory spares for each constituent with respect to final package cost.

31. The petitioner has claimed fees and charges based on the capital expenditure of Rs. 16768.41 lakh after accounting for additional capitalization of Rs. 1025.73 lakh (Rs. 486.09 lakh + Rs.539.64 lakh) on works for the period up to 31.3.2006 over the

capital expenditure of Rs. 15742.48 lakh in regard to RSCC portion and State portion. The details of capital cost is as under:

(Rs.in lakh)

Particulars	Expenditure up to the date of commercial operation	Expenditure from the date of commercial operation to 31.3.2006	Gross block as on 31.3.2006
Central sector	9657.66	486.09	10143.75
State sector	6085.02	539.64	6624.66
Total	15742.68	1025.73	16768.41

32. Based on the above, gross block of Rs. 16768.41 lakh, including additional capitalization of Rs. 1025.73 lakh as on 1.4.2006 has been considered for the purpose of approving fees and charges.

DEBT-EQUITY RATIO

33. The petitioner has claimed fees and charges based on debt-equity ratios of 75.51:24.49 and 74.12:25.88 corresponding to capital expenditure on the date of commercial operation and additional capital expenditure from the date of commercial operation to 31.3.2006 respectively. As the equity deployed is less than 30%, in both the cases the same has been considered. Overall debt-equity ratio has been worked out as 75.42:24.58.

ANNUAL RECOVERY ON ACCOUNT OF RETURN ON EQUITY AND INTEREST ON LOAN

34. Gross loan up to date of commercial operation and subsequent to the date of commercial operation have been considered as per the petition.

35. Return on equity applicable @ 14% has been considered for the purpose of fees and charges for the period up to 2009.

36. Based on weighted average rate of interest @ 6.2437% and return on equity @ 14%, recovery factors, (i) for 15 years for capital expenditure up to 1.2.2006, and (ii) for 14.833333 years for additional capital expenditure from 1.2.2006 to 31.3.2006, have been arrived as per the following formula:

$$\text{Recovery Factor: } i(1+i)^n / (1+i)^n - 1$$

Where, i = Weighted average rate of interest and Return on equity and
n= period

37. Annual recovery corresponding to loan and equity for Central and State portions has been arrived at as the product of loan corresponding to a particular constituent and respective recovery factor and the sum of both has been considered as annual recovery for each constituent.

OPERATION AND MAINTENANCE (O&M) EXPENSES

38. O&M charges @ 7.5% for Central Sector portion of the capital cost has been considered up to the date of commercial operation. The petitioner has submitted that O&M charges for Central Sector portion @ 7.5% of the capital cost have been proposed on normative basis only for the initial two years which would be adjusted based on the actuals. This had been proposed in view of the fact that project of this nature and magnitude had been established for the first time in India and no past data was available for arriving at normative O&M charges. The data placed on record is not

sufficient for taking a final view on normative O&M charges. Therefore, O& M charges are provisionally allowed at Rs.724.32 lakh per annum without any escalation. The normalization of O & M charges and prudence of actual O& M charges shall be carried out after receipt of further details of actual O& M charges. The petitioner is granted liberty to make an appropriate application for fixation of O& M expenses based on actual O& M expenses for 5 years.

39. O&M charges have not been worked out for the State portion as already noted.

INTEREST ON WORKING CAPITAL

40. The components of the working capital and the interest thereon are discussed hereunder:

(i) Maintenance spares

Regulation 56(v)(1)(b) of the 2004 regulations provides for maintenance spares @ 1% of the historical cost escalated @ 6% per annum from the date of commercial operation. In the present case, element-wise capital expenditure on the date of commercial operation is Rs. 9657.66 lakh, for RSCC portion, which has been considered as the historical cost for the purpose of the present petition and maintenance spares haven worked out accordingly by escalating 1% of the historical cost @ 6% per annum. The value of maintenance spares works out to Rs. 96.58 lakh as on 1.2.2006.

(ii) O & M expenses

Regulation 56(v)(1)(a) of the 2004 regulations provides for operation and maintenance expenses for one month as a component of working capital. The petitioner has claimed O&M expenses for 1 month of O&M expenses of the central sector as claimed in the petition. This has been considered in the working capital.

(iii) Receivables

As per Regulation 56(v)(1)(c) of the 2004 regulations, receivables will be equivalent to two months average billing calculated on target availability level. The petitioner has claimed the receivables on the basis 2 months' charges claimed in the petition. In the fees and charges being allowed, receivables have been worked out on the basis 2 months' charges.

(iv) Rate of interest on working capital

As per Regulation 56(v)(2) of the 2004 regulations, rate of interest on working capital shall be on normative basis and shall be equal to the short-term Prime Lending Rate of State Bank of India as on 1.4.2004 or on 1st April of the year in which the project or part thereof (as the case may be) is declared under commercial operation, whichever is later. The interest on working capital is payable on normative basis notwithstanding that the transmission licensee has not taken working capital loan from any outside agency. The petitioner has claimed interest on working capital @ 10.25% based on SBI PLR as on 1.4.2005, which is in accordance with the 2004 regulations and has been allowed.

41. The detailed calculation in support of interest on working capital are as under:

(Rs. in lakh)

Interest on working capital	Central Portion		State Portion	
	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)
Maintenance Spares	96.58	0.00	0.00	0.00
O&M Expenses	60.36	0.00	0.00	0.00
Receivables	320.19	9.84	122.64	10.92
Total	477.13	9.84	122.64	10.92
Rate of interest on working capital	10.25%	10.25%	10.25%	10.25%
Interest on working capital	48.91	1.01	12.57	1.12

42. Based on the foregoing principles and methodologies, the annual fees and charges for the Scheme are calculated as under:

(Rs. in lakh)

	Calculation of ULDC Charges			
	Central Portion		State Portion	
	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)	2004-09 (on capital expenditure up to 31.1.2006)	2004-09 (on capital expenditure from 1.2.2006 to 31.3.2006)
Capital Cost	9657.66	486.09	6085.02	539.64
Notional Loan	7292.29	360.31	4594.67	400.01
Notional Equity	2365.37	125.78	1490.35	139.63
Recovery Factors -loan	0.104609	0.103956	0.104609	0.103956
Annual Capital Recovery Charge – loan	762.84	37.46	480.64	41.58
Recovery Factors -Equity	0.162809	0.163397	0.162809	0.163397
Annual Capital Recovery Charge – Equity	385.10	20.55	242.64	22.82
Annual Capital Recovery Charge - Total	1147.94	58.01	723.28	64.40
O&M Expenses	724.32	0.00	0.00	0.00
Interest on Working Capital ⁺	48.91	1.01	12.57	1.12
Total charges	1921.17	59.02	735.85	65.52

43. The Central portion charges as per the preceding para shall be shared by the respondents (beneficiaries/constituents in Western Region only) in the ratio of central generating capacity allocation, including the allocation from unallocated capacity from the Central Generating stations. Inter-regional export/import of power, whether bilateral or multilateral, would not affect the sharing of charges for Unified Scheme. The State portion charges as per the preceding para shall be shared by the States in proportion to respective capital cost as on 31.3.2006 as hereunder:

(Rs. in lakh)

MPSEB	CSEB	GEB	GED
3637.18	908.55	1634.62	444.31

44. In addition to the above charges, the petitioner shall be entitled to other charges like income-tax, incentive, surcharge and other cess and taxes in accordance with the 2004 regulations. These charges shall be shared by the respondents in accordance with the 2004 regulations.

45. The petitioner by an affidavit dated 15.5.2007 has sought approval for the reimbursement of expenditure of Rs. 2,03,763/- incurred on publication of notices in the newspapers. The petitioner shall claim reimbursement of the said expenditure directly from the respondents in one installment in the ratio applicable for sharing of the fees and charges. The Commission by its separate order dated 11.9.2008 in Petition No. 129/2005 (suo motu) has decided that the petitioner shall not be allowed reimbursement of the petition filing fee.

46. It is to be noted that the full capital cost shall be recovered over a period of 15 years with interest/return. After full capital recovery, the assets shall be transferred to the respective constituents at nominal value.

47. This disposes of Petition No 11/2007.

Sd/-
(R. KRISHNAMOORTHY)
MEMBER

Sd/-
(BHANU BHUSHAN)
MEMBER

Sd/-
(DR. PRAMOD DEO)
CHAIRPERSON

New Delhi, dated the 7th November 2008