

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram

- 1. Shri Ashok Basu, Chairma**
- 2. Shri K.N.Sinha, Member**

Petition No. 22/1999

In the matter of

Approval of tariff in respect of Kayamkulam Combined Cycle Power Project for the period from 1.9.1999 to 31.3.2004.

And in the matter of

National Thermal Power Corporation Ltd.

.... **Petitioner**

Vs

Kerala State Electricity Board, Thiruvanthapuram

....**Respondent**

The following were present:

1. Shri K. K. Garg, GM(Comml.), NTPC
2. Shri M.S. Chawla, AGM (Comml.), NTPC
3. Shri A.K. Juneja, DGM (Comml.), NTPC
4. Shri Manoj Mathur, Sr. Manager (Comml.), NTPC
5. Shri K. Gopalakrishnan, RE, KSEB
6. Shri R. Balachandran, KSEB

**ORDER
(DATE OF HEARING 27-2-2003)**

The petition has been filed by the petitioner, NTPC, a generating company owned by the Central Government for approval of tariff in respect of Kayamkulam Combined Cycle Power Project, (hereinafter referred to as "Kayamkulam CCPP") for the period from 1.1.1999 to 31.3.2004, based on Ministry of Power notification dated 30.3.1992 and the Commission's notification dated 26.3.2001.

2. The Central Government in Ministry of Power accorded its investment approval vide letters dated 21.8.1995 and 18.9.1996 for Kayamkulam CCPP with a nominal capacity of 400 MW at a cost of Rs.1310.58 Crore, including IDC of Rs.76.10 Crore and WCM of Rs.38.95 crore. The ultimate capacity of Kayamkulam CCPP is 359.58 MW and it comprises of two gas turbines (GT) of 116.6 MW each and one steam turbine (ST) of 126.38 MW. CEA vide its letter dated 6.11.2001 has given its approval of the revised cost of Rs.1131.80 crore, excluding FERV of Rs.41.32 crore as on 31.3.2001. Thus, CEA approved cost is Rs.1173.12 crore.

3. The petition has been filed for approval of tariff from 1.1.1999 to 31.3.2001 based on Ministry of Power notification dated 30.3.1992 (hereinafter referred to as "the notification dated 30.3.1992") and for the period 1.4.2001 to 31.3.2004 based on the Commission's notification dated 26.3.2001 (hereinafter referred to as "the notification dated 26.3.2001"). The periods for which approval of tariff for different units has been sought are thus as under:

Unit	Basis	Period
GT I	Notification dated 30.3.1992	1.1.1999 to 30.4.1999
GT I and GT II	Notification dated 30.3.1992	1.5.1999 to 29.2.2000
GT I, GT II and ST	Notification dated 30.3.1992	1.3.2000 to 31.3.2001
GT I, GT II and ST	Notification dated 26.3.2001	1.4.2001 to 31.3.2004

4. The details of the annual fixed charges claimed by the petitioner are given hereunder:

	(Rs. in lakh)							
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	2001-02	2002-03	2003-04
Interest on Loan	2466	2466	4022	5678	5678	6123	5977	5134
Interest on Working Capital	1439	1439	2736	4001	4001	3191	3224	3247
Depreciation	3087	3087	5068	7652	7652	9503	9503	9503
Advance Against Depreciation						0	0	0
Return on Equity	2232	2232	3650	5187	5187	5536	5536	5536
O & M Expenses	1543	1543	2447	3464	3464	3607	3967	4363
TOTAL	10767	10767	17923	25982	25982	27960	28207	27783

5. The details of Working Capital furnished by the petitioner and its claim for interest thereon are summarised hereunder:

(Rs. in lakh)

	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	2001-02	2002-03	2003-04
Interest on Working Capital								
Fuel Cost	1858	1858	3730	5511	5511	4844	4844	4844
Naptha Stock	1858	1858	3730	5511	5511	4844	4844	4844
O & M expenses	129	129	204	289	289	300	330	363
Spares	617	617	979	1386	1386	1440	1585	1743
Receivables- 2 months	5743	5743	10827.8	15890	15890	14860	14901	14830
Total Working Capital	10205	10205	19470.2	28589.4	28589	26288	26503.2	26624
Weighted Average Interest Rate	14.81%	14.81%	14.79%	14.77%	14.77%	12.55%	12.55%	12.55%
Interest on Working Capital	1439	1439	2736	4001	4001	3191	3224	3247

6. In addition, the petitioner has claimed Energy Charges @ 282.68 paise/kWh from 1.1.1999 (without No_x) and @ 286.27 paise/kWh (With No_x, when installed).

DATE OF COMMERCIAL OPERATION

7. The revised investment approval of Ministry of Power dated 18.9.1996 provided that the first gas turbine would be commissioned in 30 months from that date and subsequent gas turbine would be commissioned within two months thereafter the steam turbine was to be commissioned within 42 months from that date. The scheduled dates of commercial operation as per the investment approval dated 18.9.1996 and the actual dates of commercial operation are extracted as follows :

<u>Scheduled Date of Commercial Operation</u>		<u>Actual Date of Commercial Operation</u>
GT I	19.3.1999	1.1.1999
GT II	19.5.1999	1.5.1999
ST	19.3.2000	1.3.2000

8. From the above, it can be seen that Kayamkulam CCPP has been commissioned within the laid down time schedule. We, therefore, accept the actual dates of commercial operation for the purpose of tariff.

CAPITAL COST

9. As per the notification dated 30.3.1992 and the notification dated 26.3.2001, the actual capital expenditure incurred on completion of the generating station shall be the criterion for fixation of tariff. It is further provided that where actual expenditure exceeds the approved project cost, the excess expenditure as approved by CEA or an appropriate independent agency shall be deemed to be actual capital expenditure for the purpose of determining tariff. The notification dated 30.3.1992 further provides that in case of a multi-unit generating station the percentage of capital cost as specified by CEA in its techno-economic clearance shall be considered for fixation of tariff on commercial operation of the progressive units but in case of delay in commissioning of second or subsequent units from the scheduled date, the project cost, for the period of delay, shall be retrospectively apportioned for the tariff purpose in the ratio of proportionate allocation of units. The provisions contained in the notification dated 26.3.2001 in regard to multi-unit generating station are that in respect of such stations, for the purpose of tariff the capital cost of the project shall be broken up into stages and by distinct units forming part of the project. The common

facilities shall be apportioned on the basis of the installed capacity of the units where break up of the project cost is not available and in case of on-going projects.

10. The petitioner vide affidavit dated 21.2.2003 has submitted the details of project cost on the respective date of commercial operation of GT-I, GT-II and ST and project cost as on 1.4.2001, as shown hereunder:

(Rs. in lakh)					
Ser No	Description	GT-I	GT-II	ST	Total
1	Capital Cost as on 1.1.1999	47147			47147
2	Additional Capitalisation from 1.1.1999 to 31.3.1999	253			253
3	FERV from 1.1.1999 to 31.3.1999	-896			-896
4	Capital Cost as on 31.3.1999	46504			46504
5	Capital Cost as on 1.4.1999	46504			46504
6	Additional Capitalisation from 1.4.1999 to 30.4.1999	0			0
7	FERV from 1.4.1999 to 30.4.1999	197			197
8	Capital Cost as on 1.5.1999	46701	18679		65380
9	Additional Capitalisation from 1.5.1999 to 29.2.2000	0	0		0
10	FERV from 1.5.1999 to 29.2.2000	67	201		268
11	Capital Cost as on 29.2.2000	46768	18880		65648
12	Capital Cost as on 1.3.2000	46768	18880	39167	104815
13	Additional Capitalisation from 1.3.2000 to 31.3.2000	2940	0	71	3011
14	FERV from 1.3.2000 to 31.3.2000	123	94	194	411
15	Capital Cost as on 1.4.2000	49831	18974	39432	108237
16	Additional Capitalisation from 1.4.2000 to 31.3.2001				3286
17	FERV from 1.4.2000 to 31.3.2001				1008
18	Project Cost as on 1.4.2001				112531

11. The additional capitalization claimed for the period 1.3.2000 to 31.3.2001 is in the nature of balance payments or on the works within the scope of the approved project and, therefore, have been allowed to be capitalised for the purpose of tariff.

12. The project cost includes capitalised initial spares of the amount of Rs.2636.00 lakh as on 31.3.2001 (Rs. 1037.00 lakh in 1998-99, Rs. 331.60 lakh in 1999-2000 and Rs. 1268.00 lakh in 2000-2001) which are of the order of 2.34% of the total CEA approved project cost of Rs.117312.00 lakh and are considered reasonable.

13. The petitioner was asked to reconcile the difference between the actual expenditure as mentioned in CEA letter dated 6.12.2001 and the amount capitalised as per books of accounts. The petitioner has clarified vide affidavit dated 2.4.2003 that the actual expenditure in the capital budget is required to be reported on cash basis and not on accrual basis. Actual capitalisation of assets is done on accrual basis on the date of commercial operation.

14. The apportionment of the cost amongst the units on the respective date of commercial operation has to be governed by the notification dated 30.3.1992. In this particular case, CEA on a reference from the Commission has recommended following apportionment of project cost amongst units:

		Rs. in lakh	
CEA approved Cost for a capacity of 359.58 MW (Including FERV)	117312		
Apportioned Cost	As per % apportionment given by the petitioner & approved by CEA		
	% Apportioned	Amount	
GT-I (116.6 MW)	43.89	51488	
GT-I (116.6 MW)+GT-II (116.6 MW)	60.48	709.50	
GT-I (116.6 MW)+GT-II (116.6 MW)+ST (126.38 MW)	100.00	117312	

15. As we have already held that there is no delay in the dates of commercial operation of successive units, lower of the apportioned cost recommended by CEA and actual capitalised cost has been considered for tariff purpose. The project cost considered for the purpose is as shown hereunder:

(Rs. in lakh)	
Capital Cost as on 1.1.1999, the date of commercial operation of GT-I	47147
Capital Cost as on 1.5.1999 the date of commercial operation of GT-II	65380
Capital Cost as on 1.3.2000 the date of commercial operation of ST and Kayamkulam CCPP as a whole	104815
Addl. Capitalisation from 1.3.2000 to 31.3.2000	3011
FERV from 1.3.2000 to 31.3.2000	411
Capital Cost as on 1.4.2000	108237
Additional Capitalisation from 1.4.2000 to 31.3.2001	3286
FERV from 1.4.2000 to 31.3.2001	1008
Capital Cost as on 1.4.2001	112531

DEBT-EQUITY RATIO

16. As per the notification dated 30.3.1992 and the notification dated 26.03.2001, the interest on loan capital and return on equity are to be computed, as per the financial package approved by CEA or an appropriate independent agency, as the case may be. The petitioner has claimed tariff by considering debt and equity in the ratio of 70:30. It has been submitted by the respondents that debt and equity should be in the ratio of 80:20 as applicable to IPPs.

17. The approved financial package for the generating station is not available on record. However, debt and equity in the ratio of 70:30 is stated to have been considered by the petitioner in the revised cost estimates. The petitioner has adopted the same ratio in its tariff calculations. Therefore, debt-equity ratio of 70:30 has been considered for calculation of the fixed charges.

TARGET AVAILABILITY /PLF

18. The petitioner has considered PLF of 68.49% for the generating station for the period 1.1.1999 to 31.3.2001 on the basis of the notification dated 30.3.1992. This has been allowed. For the period 1.4.2001 to 31.3.2004 the petitioner has considered Target Availability of 80% which is also in line with the notification dated 26.3.2001, for recovery of full fixed charges and computation of fuel element in the working capital for the period from 1.4.2001 onwards and accordingly has been allowed.

RETURN ON EQUITY

19. As per the notification dated 30.3.1992 and the notification dated 26.03.2001, return on equity shall be computed on the paid up and subscribed capital and shall be 16% of such capital. The petitioner has claimed return on equity @ 16%. The respondent has, however, submitted that return on equity should be payable at 12%. In case of generating stations, return on equity was charged in tariff @ 12% per annum till 31.10.1998. However, it was increased to 16% with effect from 1.11.1998. The respondent has contended that there was no justification to increase return on equity from 12% to 16%. As the things stand, the terms and conditions prescribed by the Central Government as also the Commission legislate that return on equity should be allowed @ 16%. Accordingly, we do not find any merit in support of the issue raised. In our computation of tariff, return on equity @ 16% per annum has been allowed. The charges payable by the respondent on account of return on equity are as under:

(Rs in lakh)

	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.142000 to 31.3.2001	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2003	1.4.2003 to 31.3.2004
Opening Balance	14144	13951	19614	31444	32471	33759	33759	33759
Increase/Decrease due to FERV	-269	59	80	123	302	0	0	0
Increase/Decrease due to additional capitalisation	76	0	0	903	986	0	0	0
Closing Balance	13951	14010	19694	32471	33759	33759	33759	33759
Average Equity	14048	13981	19654	31958	33115	33759	33759	33759
Rate of Return on Equity	16.00%	16.00%	16.00%	16.00%	16.00%	16.00%	16.00%	16.00%
Return on Equity	2248	2237	3145	5113	5298	5401	5401	5401

20. The difference between the claim of the petitioner and that allowed is on account of the fact that the capital cost of Rs.46500 lakh, Rs.76048 lakh and Rs.108100 lakh considered by the petitioner as on 1.1.1999, 1.5.1999 and 1.3.2000 respectively against the capital cost of Rs.47147 lakh, Rs.65380 lakh and Rs.104800 lakh considered in accordance with the decision at para 15 above.

INTEREST ON LOAN

21. As per the notification dated 30.3.1992 and the notification dated 26.03.2001, the interest on loan capital shall be computed on the outstanding loans, duly taking into account the schedule of repayment, as per the financial package approved by CEA or an appropriate independent agency, as the case may be. The normative loan amount has been worked out by considering debt and equity in the ratio of 70:30 as already decided. In accordance with earlier decisions of the Commission, the annual repayment amount for calculation of interest on loan as worked out by the following formula, or as claimed in the petition, whichever is higher, has been considered:

Annual actual repayment during the year x normative loan at the beginning of the year/Actual loan at the beginning of the year.

22. The other salient features in regard to calculation of interest on loan are stated herein after:

- (a) The loan draws up to 31.3.2001 have been considered.
- (b) Some of the loans namely SBI-I and IBRD-O carry floating rate of interest. Therefore, interest rates prevailing as on 1.4.2001 have been considered for interest computation for the period 1.4.2001 onwards. However, interest on loan would be subject to adjustment on the basis of actual rates of interest applicable for the period 1.4.2001 onwards. In case the parties are unable to agree to adjustment of rates of interest, any one of them is at liberty to approach the Commission for appropriate decision.
- (c) The commitment fee @ 0.75 % per annum as indicated by the petitioner in Form-8 of the petition has not been allowed in case of IBRD loans as commitment fee is generally applicable on un-disbursed portion of loans and would have been capitalised.
- (d) The Government Guarantee fees @ 1% per annum as indicated in Form-8 of the petition in case of IBRD loan has been allowed.
- (e) On the basis of actual rate of interest on actual average loan, the weighted rate of interest on loan has been worked out and the same has been applied on the normative average loan during the year to arrive at the interest on loan.
- (f) As SBI NY-I loan was entirely repaid on 24.9.2001 and re-financed /substituted by SBI NY-III loan with lower fixed rate of interest, the

interest rate applicable on SBI NY-III loan with lower fixed rate of interest has been considered in the working for the relevant period, in line with the Commission's order dated 30.6.2003 in petition No. 52/2002 for approval of tariff for Kayamkulam Transmission System.

(g) The financial charges (Management fees) in case of SBI NY-I loan have not been considered for working out interest rate as the petitioner had clarified in its submission dated 11.12.2003 that the management fees were paid prior to the date of commercial operation and were capitalised.

(h) Since no information is made available in respect of financial charges applicable in case of substituted SBI NY-III loan, no financial charges have been considered for working out the interest rate of SBI NY-III loan.

23. The necessary calculations in support of weighted average rate of interest are appended below:

(Rs. in lakh)

	1998-99	1999-2000				2000-01	2001-02	2002-03	2003-04
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	2000-01				
Days in the Year	365	366	366	366	365	365	365	366	
Period (days)	90	30	305	31	365	365	365	366	
1 SBI-I									
Opening Balance				0	7500	11000	11000	11000	
Addition				7500	3500	0	0	0	
Repayment				0	0	0	0	1571	
Net Loan-Closing				7500	11000	11000	11000	9429	
Average loan				3750	9250	11000	11000	10214	
Rate of Interest				12.05%	11.87%	12.05%	12.05%	12.05%	
Interest				452	1098	1326	1326	1231	

2	SBI NY-I / SBI NY-III								
	Opening Balance	0	11164	11266	11475	11475	12254	12254	12254
	Addition	11078	0	0	0	0	0	0	0
	Repayment	0	0	0	0	0	0	0	12254
	Net Loan-Closing	11164	11266	11475	11475	12254	12254	12254	0
	Average loan	5582	11215	11371	11475	11865	12254	12254	6127
	Rate of Interest	7.21%	7.21%	7.21%	7.21%	7.21%	6.48%	5.81%	5.81%
	Interest	402	809	820	827	855	794	711	356
	ERV	86	102	209	0	779	0	0	0
3A	IBRD-O (USD-EQ)- INR								
	Opening Balance	35126	33249	33585	32699	33093	31259	29502	27612
	Addition	0	0	0	0	0	0	0	0
	Repayment	0	0	1346	0	1564	1757	1890	2033
	Net Loan-Closing	33249	33585	32699	33093	31259	29502	27612	25579
	Average loan	34187	33417	33142	32896	32176	30380	28557	26596
	Rate of Interest	7.18%	7.18%	6.94%	6.59%	6.26%	6.11%	6.11%	6.11%
	Interest	2455	2399	2300	2168	2014	1856	1745	1625
	ERV	-1877	336	459	394	-270	0	0	0
3B	IBRD-A (USD)-INR								
	Opening Balance	9734	9714	9803	9985	9985	10662	10662	8885
	Addition	0	0	0	0	0	0	0	0
	Repayment	0	0	0	0	0	0	1777	1777
	Net Loan-Closing	9714	9803	9985	9985	10662	10662	8885	7108
	Average loan	9724	9758	9894	9985	10324	10662	9773	7996
	Rate of Interest	6.64%	6.64%	6.64%	6.64%	6.64%	6.64%	6.64%	6.64%
	Interest	646	648	657	663	685	708	649	531
	ERV	-20	89	182	0	677	0	0	0
3C	IBRD-B (Tr. A) (EURO)-INR								
	Opening Balance	9208	8612	8627	8042	7935	7769	7769	6474
	Addition	0	0	0	0	0	0	0	0
	Repayment	0	0	0	0	0	0	1295	1295
	Net Loan-Closing	8612	8627	8042	7935	7769	7769	6474	5179
	Average loan	8910	8619	8334	7988	7852	7769	7122	5827
	Rate of Interest	5.18%	5.18%	5.18%	5.18%	5.18%	5.18%	5.18%	5.18%
	Interest	462	446	432	414	407	402	369	302
	ERV	-596	15	-585	-107	-166	0	0	0
3D	IBRD-B (Tr. B) (EURO)								
	Opening Balance	488	457	459	384	421	412	412	378
	Addition	0	0	0	0	0	0	0	0
	Repayment	0	0	0	0	0	0	34	69
	Net Loan-Closing	457	459	384	421	412	412	378	309
	Average loan	473	458	421	402	417	412	395	343

	Rate of Interest	4.41%	4.41%	5.42%	5.59%	5.59%	5.59%	5.59%	5.59%
	Interest	21	20	23	22	23	23	22	19
	ERV	-32	2	-75	37	-9	0	0	0
	3 IBRD-Total INR								
	Opening Balance	54556	52032	52474	51109	51434	50102	48345	43349
	Addition	0	0	0	0	0	0	0	0
	Repayment	0	0	1346	0	1564	1757	4996	5174
	Net Loan-Closing	52032	52474	51109	51434	50102	48345	43349	38175
	Average loan	53294	52253	51791	51271	50768	49223	45847	40762
	Rate of Interest	6.72%	6.72%	6.59%	6.37%	6.16%	6.07%	6.07%	6.08%
	Interest	3583	3514	3412	3267	3129	2990	2785	2477
	ERV	-2524	442	-19	325	232	0	0	0
	TOTAL LOAN								
	Opening Balance	54556	63196	63740	62584	70409	73356	71599	66603
	Addition	11078	0	0	7500	3500	0	0	0
	Repayment	0	0	1346	3750	10814	12757	15996	27642
	Net Loan-Closing	63196	63740	62584	70409	73356	71599	66603	47604
	Average loan	58876	63468	63162	66497	71883	72478	69101	57103
	Rate of Interest	6.77%	6.81%	6.70%	6.84%	7.07%	7.05%	6.98%	7.12%
	Interest	3985	4323	4232	4546	5083	5110	4822	4064

24. The computations in support of interest on notional loan are appended hereinbelow:

COMPUTATION OF INTEREST ON NOTIONAL LOAN

(Rs. in lakh)

	1998-1999	1999-2000			2000-2001	2001-02	2002-03	2003-04
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2002	1.4.2003 to 31.3.2004
Gross Loan –Opening	33003	32553	45766	73370	75766	78772	78772	78772
Cumulative Repayment up to the Previous Year	696	696	696	2042	6316	17130	29887	45883
Net Loan-Opening	32307	31857	45070	71328	69450	61642	48885	32889
Increase/Decrease due to FERV	-627	138	188	288	706	0	0	0
Increase/Decrease due to additional capitalisation	177	0	0	2108	2300	0	0	0
Total	31857	31995	45258	73724	72456	61642	48885	32889
Repayments of loan during the year	0	0	1346	4274	10814	12757	15996	27642
Net Loan-Closing	31857	31995	43912	69450	61642	48885	32889	5246
Average Net Loan	32082	31926	44491	70389	65546	55263	40887	19067
Rate of Interest	6.77%	6.81%	6.70%	6.84%	7.07%	7.05%	6.98%	7.12%
Interest	2172	2174	2981	4812	4634	3896	2853	1357

25. The reasons for difference between the interest on loan claimed and that allowed are summarised below:

(a) Against weighted average rates of interest of 7.10%, 7.32%, 7.66%, 7.82%, 7.90% and 8.12% for the years 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003 and 2003-2004 respectively claimed by the petitioner, weighted average rates of interest of 6.77%, 6.81%, 6.70%, 6.84%, 7.07%, 7.05%, 6.98% and 7.12% allowed for the respective year as calculated at para 23 above.

(b) For the reasons indicated in para 22 above, financial charges in case of SBI NYI and SBI-NYIII loans have not been considered in the working.

DEPRECIATION

26. As per the notification dated 30.3.1992, depreciation for computation of annual fixed charges is to be considered in accordance with the rates notified by the Central Government from time to time under Section 43A (2) of the Electricity (Supply) Act, 1948. These rates were notified by the Central Government vide notification dated 29.3.1994. The notification dated 26.3.2001, prescribes that the value base for the purpose of depreciation shall be historical cost of the asset and the depreciation shall be calculated annually as per straight line method at the rates of depreciation prescribed in the Schedule thereto.

27. Depreciation for the tariff period has been calculated by taking the individual assets and their depreciation rates as per the notification dated 30.3.1992 read with notification dated 29.3.1994 for the period up to 31.3.2001 and the notification dated 26.03.2001 for the period 1.4.2001 onwards. For the period 1.4.2001 onwards, since

the notification dated 26.3.2001 stipulates that the depreciation shall be chargeable from the first year of operation on *pro rata* basis, the depreciation has been worked out on the average of opening and closing gross block during the respective year. The asset-wise depreciation rate considered in the present calculations is 7.17%, and 4.52% for the tariff period up to 31.3.2001 and for the tariff period 1.4.2001 onwards respectively as against 7.23%, 7.38% , 8.21% and 4.81% considered by the petitioner as on 1.1.1999, 1.5.1999 and 1.3.2000 and 1.4.2001 onwards respectively. The necessary calculations in support of depreciation are appended below:

(Rs. in lakh)

	1998-1999	1999-2000			2000-2001	2001-02	2002-03	2003-04
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2003	1.4.2003 to 31.3.2004
Rate of Depreciation	7.17%	7.17%	7.17%	7.17%	7.17%	4.52%	4.52%	4.52%
Depreciation recovered in tariff	0	3335	3349	4708	7763	5090	5090	5090
Advance Against Depreciation (AAD) recovered in tariff	0	0	0	0	0	1474	1474	1474
Total depreciation recovered in tariff	0	3335	3349	4708	7763	6564	6564	6564
Depreciation	0	273	3065	3463	11226	14499	21063	27628

28. The lower amount of depreciation allowed is primarily on account of lower depreciation rates considered as indicated in the preceding para. Further, depreciation during the first year has been considered "nil" in accordance with the notification dated 30.3.1992.

ADVANCE AGAINST DEPRECIATION

29. As per the notification dated 26.3.2001, Advance Against Depreciation shall be permitted wherever originally scheduled loan repayment exceeds the depreciation allowable and shall be computed as follows:

AAD= Originally scheduled loan repayment amount subject to a ceiling of 1/12th of original loan amount minus depreciation as per schedule.

30. The provision of Advance Against Depreciation was not applicable prior to 1.4.2001. The notional gross loan and actual repayment as on 1.4.2001 have been considered for computing Advance Against Depreciation. The petitioner is entitled to claim any Advance Against Depreciation as shown below:

(Rs. in lakh)

	2001-02	2002-03	2003-04
	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2003	1.4.2003 to 31.3.2004
1/12 th of Loan(s)	6564	6564	6564
Scheduled Repayment of the Loan(s)	12757	15996	27642
Minimum of the above	6564	6564	6564
Depreciation during the year	5090	5090	5090
Advance Against Depreciation	1474	1474	1474

31. No Advance Against Depreciation was payable up to 31.3.2001 in accordance with the notification dated 30.3.1992.

O&M EXPENSES

32. As per the notification dated 30.3.1992, operation and maintenance expenses including insurance for the first full year, after commissioning of the generating station shall be calculated as a percentage on the actual capital expenditure on the basis of one of the following alternatives, namely:

- (i) At the rate of 2.5 per cent of the actual capital expenditure of ceiling on capital provided in the power purchase agreement; or
- (ii) At 2 per cent of the actual capital expenditure on ceiling on capital expenditure provided in the power purchase agreement together with actual expenditure on insurance.

Provided that total of 2 per cent of the actual capital expenditure on ceiling on capital expenditure provided in the power purchase agreement and the actual expenditure on insurance shall not exceed 3 percent on the capital expenditure.

33. The notification dated 26.03.2001 lays down that the base O&M expenses for the new generating stations shall be fixed at 2.5% of the actual capital cost as approved by CEA or an appropriate Independent agency, as the case may be, in the year of commissioning and shall be escalated @10% p.a. for subsequent years to arrive at O&M expenses for the base year 1999-2000 level. Thereafter, the base O&M expenses shall be further escalated at the rate of 6% p.a. to arrive at permissible O&M expenses for the relevant year.

34. In the present case, the base year is 1998-1999 for GT-I, and 1999-2000 for GT-II and ST which is also the year of commissioning of the generating station. In

accordance with the above methodologies, the petitioner shall be entitled to O&M expenses in tariff as computed hereinbelow:

(Rs. in lakh)

	1998-1999	1999-2000			2000-2001	2001-02	2002-03	2003-04
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2003	1.4.2003 to 31.3.2004
%age of Capital Cost	2.50%							
Escalation Factor after 1 year	6.00%							
GT - I	1179	1179	1190	1196	1268	1344	1425	1510
Addition GT -I	-8	-16	-16	-16	-17	-18	-19	-20
		2	2	2	5	5	6	6
GT -II			467	467	493	522	554	587
Addition GT -II			3	3	7	7	8	8
ST				979	984	1043	1106	1172
Addition ST				43	86	91	96	102
					54	111	117	124
O & M Expenses	1171	1165	1647	2675	2879	3106	3292	3489

35. For the reasons indicated in para 15 above, the lower project cost has been considered for the purpose of tariff. As O&M expenses have been calculated as a percentage of the project cost, there is corresponding reduction in O&M expenses allowed over that claimed by the petitioner.

INTEREST ON WORKING CAPITAL

36. Working capital has been calculated considering the following elements:

- (a) **Fuel Cost:** As per the notification dated 30.3.1992 and the notification dated 26.03.2001, fuel cost for one month corresponding to normative Plant Load Factor/Target Availability is permissible. Accordingly, the fuel cost is worked out for one month for naphtha (primary fuel) on the basis of

operational parameters as given in the notification dated 30.3.1992 and the notification dated 26.03.2001.

- (b) **Naptha Stock:** Naptha is the primary fuel for the station. As such, for the purpose of Working Capital requirement lower of the value of the naptha stock for 1 month requirement for generation corresponding to 80% availability (that is 80% PLF) or the value of naptha stock as per audited balance sheets of the respective years have been considered.
- (c) **O&M Expenses:** As per the notification dated 30.3.1992 and as per the notification dated 26.03.2001, operation and maintenance expenses for one month are permissible as a part of the working capital. Accordingly, O&M expenses for working capital has been worked out for 1 month of O&M expenses considered in tariff of the respective year.
- (d) **Spares:** As per the notification dated 30.3.92 and as per the notification dated 26.03.2001, maintenance spares at actuals subject to a maximum of 1% of the capital cost but not exceeding 1 year's requirements less value of 1/5th of initial spares already capitalised for first 5 years are required to be considered in the working capital. Accordingly, the spares requirement for the purpose of working capital has been worked out @ 1% of the capital cost less value of 1/5th of initial spares already capitalised. The amount of initial spares stated to be capitalized by the petitioner is Rs. 1984 lakh. The calculations in support of spares are as under:

(Rs. in lakh)

	1998-1999	1999-2000			2000-2001	2001-02	2002-03	2003-2004
	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.4.2000 to 31.3.2001	1.4.2001 to 31.3.2002	1.4.2002 to 31.3.2003	1.4.2003 to 31.3.2004
Capitalised Initial Spares	1037	332			1268			
1% of the Capital Cost	116	38	545	89	1082	1125	1125	1125
Less: 1/5th of Capitalised Initial Spares	51	22	228	23	527	527	527	476
	65	16	317	66	555	598	598	650

- (e) **Receivables:** As per the notification dated 30.3.1992 and the notification dated 26.03.2001, receivables will be equivalent to two months average billing for sale of electricity calculated on normative Plant Load Factor/Target Availability. Accordingly, the receivables have been worked out on the basis of two months of fixed and variable charges.

37. The relevant details in support of computation of fuel cost, naphtha stock and receivables are appended herein below:

	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.1999	1.5.1999 to 29.7.1999	1.5.1999 to 29.7.1999	30.7.1999 to 29.2.2000	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000	1.3.2000 to 31.3.2000
	Stabilisation period	After Stabilisation period	After Stabilisation period	Stabilisation period	After Stabilisation period		After Stabilisation period (Combined Cycle)	Stabilisation period (Combined Cycle)
	GT-I	GT-I	GT-I	GT-II	GT-I & II		GT-I & II	ST
Days	90	30	90	90	215	305	31	31
Days in the Full Year	365	366	366	366	366	366	366	366
Hours in a Day	24	24	24	24	24		24	24
Annual Hours of Operation	8760	8784	8784	8784	8784		8784	8784
Hours of Operation for the period	2160	720	2160	2160	5160		744	744
Plant Load Factor (hours/Kw/year)	4500	6000	6000	4500	6000		6000	4500
Normative PLF/Target Availability (%)	51.37%	68.31%	68.31%	51.23%	68.31%		68.31%	51.23%
Capacity (MW)	116.60	116.60	116.60	116.60	233.20		233.20	126.38
Energy Generated for the period (MU)	129	57	172	129	822		119	48
Aux. Power Consumption	1.50%	1.00%	1.00%	1.50%	1.00%		3.00%	3.50%
Aux. Power Consumption for the period (MU)	2	1	2	2	8		4	2
Energy Sent Out for the period (MU)	127	57	170	127	814		115	46

Gross Station Heat Rate (kCal/kwh)	2900	2900	2900	2900	2900		2000	2000
Specific Liquid fuel Consumption (Kg/kwh)	0.26	0.26	0.26	0.26	0.26		0.18	0.18
Fuel Cost (Naptha or NAPTHA+HSD+HI TECH)								
Weighted Avg. GCV of Gas (kCal/cm)	11331.00	11331.00	11331.00	11331.00	11331.00		11331.00	11331.00
Requirement of Gas for the period (1000SCM)	33112	14676	44029	33022	210362		20918	8502
Weighted Avg. Price of Gas (Rs./1000SCM)	10064.92	10064.92	10064.92	10064.92	10064.92		10064.92	10064.92
Fuel cost for the period (Rs. in Lacs)	3332.74	1477.17	4431.51	3323.63	21172.75	28927.88	2105.39	855.74
Fuel cost - 1 month (Rs. in Lacs)	1126.34	1501.79				2892.79		
Naptha Stock								
GCV of Naptha	11331.00	11331.00	11331.00	11331.00	11331.00		11331.00	11331.00
Specific Naptha Consumption (MT/kwh)	0.26	0.26	0.26	0.26	0.26		0.18	0.18
Requirement of Naptha for the period (MT)	33112	14676	44029	33022	210362		20918	8502
Weighted Avg. Price of Naptha (Rs./MT)	10064.92	10064.92	10064.92	10064.92	10064.92		10064.92	10064.92
Naptha cost for the period (Rs. in Lacs)	3333	1477	4432	3324	21173	28928	2105	856
Naptha stock of 1 month	1126.34	1501.79				2892.79		
Naptha stock as per audited accounts	0	1574				1574		
Naptha stock considered in tariff	0	1502				1574		
*Receivables								
Variable Charges								
Gas (Rs/kwh)	2.6152	2.6020	2.6020	2.6152	2.6020		1.8315	1.8410
Rs./kwh	2.6152	2.6020	2.6020	2.6152	2.6020		1.8315	1.8410
Variable Charges for the period	3333	1477	4432	3324	21173	28928	2105	856
Variable Charges -2 months	2253	3004	3004	2253	6007	5786	4143	1684
Fixed Charges - 2 months	1035	1644				2111		
Receivables	3288	4648				7897		

38. Escalation of fuel prices have not been considered for computing working capital requirements, since there is no specific provision of this either in the notification dated 30.3.1992 or the notification dated 26.3.2001.

39. The notification dated 26.03.2001 is silent about the financing of the working capital margin. Therefore the return and interest have not been separately calculated on working capital margin and interest on the total working capital is worked out accordingly.

40. The annual average SBI PLR of 11.50% has been considered as the rate of interest on working capital during 2000-01 and the tariff period 2001-02 to 2003-04, in line with the Commission's earlier decision. For the years 1998-1999 and 1999-2000, interest on Working Capital has been allowed @ 13% and 12% respectively which corresponds to the applicable SBI PLR, as on 1st April of the respective year. The petitioner has claimed interest at higher rates as per the details contained in the table at para 5 above.

41. The necessary details in support of calculation of Interest on Working Capital are appended below:

(Rs. in lakh)

	1998-99 1.1.1999 to 31.3.1999	1999-2000 1.4.1999 to 30.4.1999	1999-2000 1.5.1999 to 29.2.2000	1999-2000 1.3.2000 to 31.3.2000	2000-01	2001-02	2002-03	2003-04
Days in the Year	365	366	366	366	365	365	365	366
Period (days)	90	30	305	31	365	365	365	366
Fuel Cost	1126	1502	2893	2913	3149	5660	5660	5676
Naptha stock	0	1502	1574	1574	3149	3302	3302	3302
O & M expenses	98	97	137	223	240	259	274	291
Spares ¹	264	191	380	774	555	598	598	650
Receivables- 2 months	3288	4648	7897	9001	10055	14957	14811	14624
Total Working Capital	4776	7940	12881	14486	17147	24776	24646	24542
Weighted Average Interest Rate	13.00%	12.00%	12.00%	12.00%	11.50%	11.50%	11.50%	11.50%
Interest on Working Capital	621	953	1546	1738	1972	2849	2834	2822

42. The reasons for allowing lower amount on account of interest on Working Capital are summarised below:

- (a) Target availability of 80% considered in computation against normative PLF of 68.49% considered by the petitioner.

- (b) Naptha stock has been considered by taking lower of the values of requirement of one month or as per the audited accounts.
- (c) Spares allowed at 1% of the capital cost against the value of spares considered by the petitioner as 40% of O&M expenses.
- (d) Lower rates of interest considered for computation of interest as indicated in para 40 above.

ANNUAL FIXED CHARGES

43. The annual fixed charges for the period 1.1.1999 to 31.3.2004 allowed in this order are summed up as below:

(Rs. in Lakh)

	Particulars	1998-99 1.1.1999 to 31.3.1999	1999-2000				2000-01	2001-02	2002-03	2003-04
			1.4.1999 to 30.4.1999	1.5.1999 to 29.2.2000	1.3.2000 to 31.3.2000					
1	Interest on Loan	2172	2174	2981	4812	4634	3896	2853	1357	
2	Interest on Working Capital	621	953	1546	1738	1972	2849	2834	2822	
3	Depreciation	0	3335	3349	4708	7763	5090	5090	5090	
4	Advance Against Depreciation	0	0	0	0	0	1474	1474	1474	
5	Return on Equity	2248	2237	3145	5113	5298	5401	5401	5401	
6	O & M Expenses	1171	1165	1647	2675	2879	3106	3292	3489	
	TOTAL	6211	9864	12667	19047	22547	21817	20945	19634	

The fixed charges calculated are for full year and for part of the year, fixed charges shall be calculated proportionately.

ENERGY/VARIABLE CHARGES

44. Kayamkulam CCPP is a Naptha based project. HSD is the starting fuel. Hi-tech fuel is added, as additive which is a high cost item. A question was raised during the hearing on 27.2. 2003 whether its cost should be a part of fuel cost. As per

the copy of technical information of GE Power Generations (the equipment suppliers) dated 20.3.1997 submitted by the petitioner, this is a mandatory lubricity additive for mixing with Naptha for GE make 9E frame machines installed at the plant in proportion to 30 to 75 ppm and directly linked to generation level and fuel consumption. Further, taking analogy with the diesel generating set plants, for which recovery of cost of consumption of lubricant is provided separately, the petitioner has requested it to be part of fuel cost. The respondent has also agreed to pay for its cost in the fuel charges. In view of this, Hi-tech fuel has been considered as part of fuel in the energy charge computation.

45. The details of cost of above three fuels and GCV furnished by the petitioner in affidavit dated 20.1.2003 are for the months of Oct., Nov. & Dec.1998 (Naptha, HSD and Hi-Tech), Oct,2000(HSD only) & Nov.2000(HI-Tech only) & Jan., Feb., March 2001. As such base energy charges for the period upto 31.3.2001 has been worked out based on prices and GCV of Naptha for the month of Oct., Nov., & Dec. 1998. Since the consumption pattern of the fuels was available in the month of Jan.2001, Feb.,2001 & March 2001, a weighted average price and GCV of these fuels for the quarter, have been adopted for energy charge computations for the tariff period 1.4.2001 to 31.3.2004.

46. The petitioner had claimed the energy charges based on the relaxed operational norms applicable to its gas based projects namely Anta, Auraiya, Kawas, Gandhar, etc. Energy charges computed by the petitioner for period 1.1.1999 to 31.3.2004 are based on average operational norms arrived at for 5.5/5.75 years tariff period. However, as already decided by the Commission in order dated 24.7.2000,

the operational norms have been considered as per the notification dated 30.3.1992 as amended on 6.11.1995 for the tariff period prior to 31.3.2001 and in accordance with the notification dated 26.3.2001 for the tariff period 2001-04.

47. The Energy Charges have been computed based on the fuel price & GCV furnished in the petitions and are summarised below:

Computation of Energy Charge

Description	Unit	1.1.1999 to 31.3.1999	1.4.1999 to 30.4.2000	1.5.1999 to 31.7.1999	1.8.1999 to 1.3.2001	1.3.2000 to 31.5.2000	1.6.2000 to 31.3.2002	1.4.2001 to 31.3.2004
Capacity	MW	116.600	116.600	233.200	233.200	359.580	359.580	359.580
Normative PLF/Availability	Hours/Kw/year	4500.00	6000.00	5250.00	6000.00	5472.80	6000.00	7008.00
Gross Station Heat Rate corresponding to GCV								
Open Cycle operation	kCal/kWh	2900.00	2900.00	2900.00	2900.00	2900.00	2900.00	2900.00
Combined cycle operation	kCal/kWh					2000.00	2000.00	2000.00
Auxiliary Energy Consumption								
Open Cycle operation	%	1.50	1.00	1.25	1.00	1.00	1.00	1.00
Combined cycle operation	%					3.50	3.00	3.00
weighted average GCV of Liquid Fuel (Naptha or Naptha + HSD + Hi-Tech)	kCal/kg	11331.00	11331.00	11331.00	11331.00	11331.00	11331.00	11287.54*
weighted average Price of Fuel (Naptha or Naptha + HSD + Hi-Tech)	Rs/MT	10064.92	10064.92	10064.92	10064.92	10064.92	10064.92	15212.28*
Rate of Energy Charge per kWh generated								
Open Cycle operation	Paise/kWh	257.60	257.60	257.60	257.60	257.60	257.60	390.83
Combined cycle operation	Paise/kWh					177.65	177.65	269.54
Rate of Energy Charge ex-bus per kWh Sent								
Open Cycle operation	Paise/kWh	261.52	260.20	260.86	260.20	260.20	260.20	394.78
Combined cycle operation	Paise/kWh					184.10	183.15	277.88

*Price & GCV of fuel is weighted average of Naptha + HSD + Hi-Tech fuels)

48. The Base Energy Charges have been calculated on base value of GCV, base price of fuel and normative operating parameters as indicated in the above table and shall be subjected to fuel price adjustment. The notification dated 30.3.1992 as amended from time to time, and the notification dated 26.3.2001 provide for fuel price adjustment for variation in fuel price and GCV of fuels. It is further provided that for the purpose of calculating the tariff, the operating parameters, that is, 'Station Heat Rate', 'Secondary Fuel Oil Consumption' and 'Auxiliary Consumption' shall be determined on the basis of actuals or norms, whichever is lower. Accordingly, the base energy charges approved on the basis of norms shall be subject to following adjustments: -

(i) Fuel price and GCV variation (Gas and liquid fuel) based on monthly weighted average as per the formula given below :-

$$\mathbf{FPA} = \frac{10 \times (\mathbf{SHR}_n) \times \left[(\mathbf{P}_m/\mathbf{K}_m) - (\mathbf{P}_s/\mathbf{K}_s) \right]}{(100 - \mathbf{AC}_n)}$$

Where,

FPA = Fuel price Adjustment for a month in Paise/kWh Sent out

SHR_n = Normative Gross Station Heat Rate expressed in kCal/kWh

AC_n = Normative Auxiliary Consumption in percentage

P_m = Weighted average price of Gas or Liquid fuel as per PSL for the month in Rs. / 1000 SCM of Rs./ KL or Rs./MT

K_m = Weighted average gross calorific value of Gas or Liquid fuel for the month in Kcal/ SCM or kCal/ Litre or kCal/ Kg

P_s = Base price of Gas or Liquid fuel as taken for determination of base energy charge in tariff order in Rs. / 1000 SCM of Rs./ KL or Rs./MT

K_s = Base value of gross calorific value of Gas or Liquid fuel as taken determination of base energy charge in tariff order in Kcal/ SCM or kCal/ Litre or kCal/ Kg

49. FPA shall further be subjected to adjustment for monthly operating pattern adjustment (MOPA) for percentage open cycle operation as certified by REB/SLDC and corresponding to Gross Station Heat Rate of 2900 kCal/kWh and auxiliary energy consumption of 1%, as per formula given below:

$$\mathbf{MOPA} = (\mathbf{BEC} + \mathbf{FPA}) \times \left[\frac{\{(SHR_{no})/(100-AC_{no})\}}{\{(SHR_{nc})/(100-AC_{nc})\}} - 1 \right] \times \mathbf{POCM}/100$$

Where,

MOPA - Monthly Operating Pattern Adjustment in Paise/kWh Sent out

- BEC - Base Energy Charge as per tariff order in Paise/kWh sent out
- FPA - Fuel price Adjustment for a month in Paise/kWh Sent out
- SHR_{no} - Normative Gross Station Heat Rate for Open cycle operation expressed in kCal/kWh
- SHR_{nc} - Normative Gross Station Heat Rate for Combined cycle operation expressed in kCal/kWh
- AC_{no} - Normative Auxiliary Consumption for Open cycle operation in percentage
- AC_{nc} - Normative Auxiliary Consumption for Combined cycle operation in percentage
- POCM - Open cycle generation during the month in percentage

(ii) The energy charges shall be finally adjusted on annual basis as per actual annual average values of operating parameters achieved for the station i.e. gross station heat rate and auxiliary energy consumption provided any or all of the actual operating parameters are lower than their respective normative values indicated in the table. The annual energy charge adjustment shall be done as per the formula given below: -

$$AECA = (P - Q - R) \times 10^{-9}$$

Where,

AECA - Annual Energy Charge Adjustment in Rs. Crore

- P** - Energy charge payable for the year based on operational parameters (Actual or normative whichever is lower) and weighted average price and GCV of fuels for the year in paise
- Q** - Total amount recovered as monthly fuel price adjustment for the year in Paise
- R** - Total amount recovered as base energy charge for the year in Paise

And,

$$P = (ESO_{\text{Annual}}) \times 10 \times \left[\frac{\{(SHR_A) \times (P_{\text{Annual}}) / (K_{\text{Annual}})\}}{\{100 - (AC_A)\}} \right]$$

$$Q = \sum_{mi=1}^{12} (FPA_{mi}) \times (ESO_{mi})$$

$$R = (ESO_{\text{Annual}}) \times \text{BEC}$$

Where;

- ESO_{Annual} - Energy sent out in the year in kWh sent out based on actual draws for the tariff period up to 31.3.2001 and based on generation schedules given by RLDC for the tariff period 1.4.2001 to 31.3.2004
- SHR_A - Actual yearly weighted average gross station heat rate in kCal/kWh generated
- P_{Annual} - Weighted average price of Gas or Liquid fuel for the year in Rs. / 1000 SCM of Rs./ KL or Rs./MT
- K_{Annual} - Weighted average GCV of Gas or Liquid fuel for the year in Kcal/ SCM or kCal/ Litre or kCal/ Kg
- FPA_{mi} - Fuel price adjustment for the i^{th} month in paisa/kwh sent out
- ESO_{mi} - Energy sent out for the i^{th} month in kWh sent out based on actual draws for the tariff period up to 31.3.2001 and based on generation schedules given by RLDC for the tariff period 1.4.2001 to 31.3.2004
- BEC** - Base Energy Charge as per tariff order in Paise/kWh sent out

AC_A - Actual average Auxiliary Consumption of the station for the year
in percentage

50. For tariff period 2001-04, capacity based on gas and liquid are to be dispatched separately and hence annual adjustment for the gas and liquid would also be done separately based on annual generation on respective fuels.

51. In case the adjustment period is less than a year, adjustment shall be done for the actual period.

52. The fixed and variable charges have been decided by us in the preceding paras for Kayamkulam CCPP. The petitioner has already recovered fixed and variable charges from the respondents based on the interim orders of the Commission. The amount already recovered shall be adjusted against the revised charges decided by us through this order.

53. In addition to these charges, the petitioner is entitled to recover other charges also like Foreign Exchange Rate Variation, incentive, claim for reimbursement of Income-tax, other taxes, cess levied by a statutory authority, Development Surcharge and other charges in accordance with the notification dated 30.2.1992 and the notification dated 26.3.2001, as applicable. This is subject to the orders, if any, of the superior courts.

54. This order disposes of Petition No 22/1999.

Sd/-
(K.N. SINHA)
MEMBER

Sd/-
(ASHOK BASU)
CHAIRMAN

New Delhi dated the 5th March 2004