

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

PETITION NO. 124/2009

Sub: Miscellaneous petition for directing NTPC to refund the excess tariff collected up to 31.3.2004 on inflated capital base in respect of Jhanor (Gandhar) Gas Based Power Station (657.39 MW) and other power stations of NPTC in Western Region and Eastern Region.

Date of hearing : 3.12.2009

Coram : Dr. Pramod Deo, Chairperson
Shri V.S.Verma, Member

Petitioner : Gujarat Urja Vikas Nigam Ltd., Vadodara

Respondents : NTPC Ltd., MPPTCL, MSEDCL, CSPDCL, DNH, DD,
Goa and WRPC

Parties present : Shri P.J. Jani, GUVNL

The petition has been filed by Gujarat Urja Vikas Nigam Ltd. with following prayer:

(a) To direct the NTPC to submit the details of decapitalization of assets and determine the excess tariff charged on the inflated capital and direct the NTPC to refund such amount for the periods show hereunder in respect of the following stations in Western Region and Eastern Region:

- (i) De-capitalization during the period 2001-04 for Gandhar gas based power station;
- (ii) De-capitalization during the period 2001-04 for Vindhyachal Super Thermal Power Station Stage-I;
- (iii) De-capitalization during the period 2001-04 for Vindhyachal Super Thermal Power Station Stage-II;
- (iv) De-capitalization during the period 1997-04 for Kahalgaon Super Thermal Power Station;

- (v) De-capitalization during the period 2001-04 for Farakka Super Thermal Power Station.
 - (b) Direct NTPC to pay interest @ 12% per annum as per Tripartite Agreement;
 - (c) To waive the fees, if any, to be paid on this miscellaneous petition as the petition arose because of NPTC not complying with the orders of Commission in refunding the excess tariff charged on inflated capital base.
 - (d) Pass any other order in this regard as the Hon`ble Commission may find appropriate in the circumstances pleaded above.
2. After hearing representative of the petitioner, the Commission has directed to admit the application and issue notice to the respondents.
3. Accordingly, the applicant is directed to serve copy of the application on the respondents immediately, if already not served. The respondents may file their reply by 29.12.2009, with a copy to the applicant. The petitioner may file its rejoinder, if any, latest by 13.1.2010.
4. The application shall be re-notified on 21.1.2010.

sd/-
(T. Rout)
Joint Chief (Law)