

**Central Electricity Regulatory Commission
New Delhi**

RECORD OF PROCEEDINGS

Petition No. 204/2010

Subject: Review of Order dated 15.6.2010 in Petition No. 126/2009 with I.A.38/2009 for determining the impact of additional capital expenditure during the years 2006-07, 2007-08 and 2008-09 on fixed charges in respect of Kahalgaon STPS, Stage-I (840 MW)

Date of Hearing: 9.12.2010

Coram: Shri S.Jayaraman, Member
Shri V.S.Verma, Member

Petitioner: NTPC Ltd

Respondents: WBSEDCL, BSEB, JSEB, GRIDCO Ltd, DVC, Power Department, Govt. of Sikkim, TNEB, ED-Puducherry, UPPCL, PD-UT of Chandigarh, MPPTCL, GUVNL, ED- Admin of Daman & Diu, ED-Admin of Dadra & Nager Haveli, BSES-BRPL, BSES-BYPL, NDPL and MSEDCL

Parties present: Shri C.K.Mondal, NTPC
Shri S.Kumar, NTPC

The application for review has been filed by NTPC Ltd, (hereinafter called 'the petitioner') against the Commission's order dated 15.6.2010 in Petition No.126/2009 determining the tariff on account of impact of additional capital expenditure during 2004-08 for Kahalgaon STPS, Stage-I (840 MW) (hereinafter called the 'the generating station') on the issue of "non-consideration of coal transit loss of 0.8% for requirement of coal between 62.8% and up to 80% plant load factor."

2. The representative of the petitioner submitted as under:

- (a) In Petition No. 126/2009 an interlocutory application (I.A.38/2009) was filed by it amending the tariff of the generating station, after taking into consideration the effect of the principles laid down by the judgment dated 13.6.2007 of the Appellate Tribunal (the Tribunal) in Appeal Nos.139 to 142 etc of 2006 on various issues including coal transit loss of 0.8% for requirement of coal between 62.8% and upto 80% PLF for the generating station.
- (b) The Commission by its order dated 15.6.2010 in Petition No.126/2009 while deferring the implementation of 'five issues' based on the interim order dated 10.12.2007 of the of the SC in the pending Civil Appeals 5434 etc of 2007 etc, did not consider the issue of coal transit loss of 0.8 % for requirement of coal between 62.8% and upto 80% PLF for the generating station, although it did not form part of the said interim order.
- (c) As the issue of coal transit loss does not form part of the appeal pending before the Hon'ble Supreme Court, the same needs to be implemented in

line with the directions contained in the judgment of the Appellate Tribunal and tariff revised accordingly.

3. The Commission admitted the matter and directed to issue notice to the respondents. The petitioner is directed to serve copy of the application on the respondents within 16.12.2010. The respondents are directed to file its replies, latest by 30.12.2010, with copy to the petitioner, who may file its rejoinder, by 7.1.2011.
4. Matter to be re-notified for hearing on 13.1.2011.

Sd/-
(Dr. N.C.Mahapatra)
Chief Advisor (Law)