

CENTRAL ELECTRICITY REGULATORY COMMISSION

Record of Proceedings

Petition No.195/2009

Sub: Revision of fixed charges for the period 2004-09 due to additional capital expenditure incurred for the period 2004-09 at Talcher Super Thermal Power Station, Stage-I (1000MW).

Date of hearing : 8.4.2010

Coram : Dr. Pramod Deo, Chairperson
Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : NTPC Ltd, New Delhi

Respondents : WBSEDCL, BSEB, JSEB, GRIDCO, DVC, PD SIKKIM, TNEB, UT Pondicherry, UPPCL, PDD J&K, PD Chandigarh, MPSEB, GEB, ED Daman & Diu, ED Dadra & Nagar Haveli, DTL, MSEB.

Parties present : 1. Shri Shyam Kumar, NTPC
2. Shri G.K.Dua, NTPC
3. Shri R.B.Sharma, Advocate, BSEB & GRIDCO
4. Shri R.Krishnaswami, TNEB
5. Shri Balaguru, TNEB

The learned counsel for the respondent No. 2 and 4 (BSEB and GRIDCO) continued with his submissions. He also pointed to page 261 of the petition and submitted that in terms of Section 94(3) of the Electricity Act, the Commission should specify the regulations to represent the interest of the consumers in the proceedings before the Commission. The Commission informed the learned counsel that the Commission had already empanelled a few organizations to represent the interest of the consumers. The learned counsel referred to para 7 of the reply and submitted that the petitioner has been garnering huge profits during all these years especially when taxes on income are paid by the beneficiaries. He also submitted that huge profits were on account of liberal operational norms for the generating stations of the petitioner and due to claims allowed for which no provision was applicable. The learned counsel further pointed out that the rejoinder filed by the petitioner was silent on the issue of profits made by it and submitted that the onus lies on the petitioner to explain the correct position. The learned counsel referred to the Judgment of the Appellate Tribunal in Appeal Nos 133, 135 etc of 2008 and submitted that in terms of its findings, the term "deferred liability", was to mean "liability yet to be assumed" and hence the claim for capitalization of freehold land should not be considered as the liability has been assumed during the year 1988.

7. Due to paucity of time, the submissions of the learned counsel for respondent No. 2 and 4 could not be concluded.

8. Matter part-heard. The petition shall be re-notified on 13.5.2010 for hearing.

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