

**Central Electricity Regulatory Commission
New Delhi**

Petition No. 96/2007

Subject: Petition for approval of tariff of Ratnagiri Gas & Power Private Limited pursuant to the judgment dated 25.3.2011 of the Appellant Tribunal in Appeal No. 130/2009.

Date of Hearing: 12.7.2011

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

Petitioner: Ratnagiri Gas & Power Private Ltd (RGPPL) & MSEDCL

Parties present: Ms. Swapna Seshadri, Advocate, RGPPL
Shri Rohit Chhabra, RGPPL

RECORD OF PROCEEDINGS

During the hearing, the learned counsel for the petitioner submitted as under:

- (a) In terms of the directions of the Commission during the proceedings held on 12.5.2011, affidavit dated 3.6.2011 has been filed by the petitioner on the issue of relaxation of O&M expenses and Target Availability.
 - (b) Referring to the relevant paragraphs (paras 18.2 and 18.3) of the judgment dated 25.3.2011 of the Tribunal in Appeal No.130/2009 (RGPPL-v-CERC) the learned counsel prayed that relaxation of norms for Target Availability and O&M expenses be considered in terms of the observations of the Tribunal.
 - (c) In addition to the above, the petitioner's claim for interest on loan on accrual basis (as raised in the appeal) should be considered as the Commission in its reply submissions to the said appeal had agreed to allow the same *suo motu* after rectification of the errors.
 - (d) The learned Commission in the interest of justice has the power to consider the claim for interest on loan on accrual basis as per the 2004 Tariff Regulations, even though no finding has been given by the Tribunal in the judgment on this issue. In support of this, the learned counsel placed reliance on some of the judgments of the Hon'ble Supreme Court.
2. On a specific query by the Commission as regards the beneficiaries of the generating station, the representative of the petitioner submitted that Maharashtra State Electricity Distribution Company Ltd (MSEDCL) is a sole beneficiary with 95% allocation of power and the balance 5% to other beneficiaries (who were not identified)

during the period ending 31.3.2009. On a further query by the Commission as to whether the generating station would qualify as a 'mega power project' in the absence of an allocation to beneficiaries outside the State, the representative of the petitioner submitted that the status of 'mega power project' has been accorded to it by the Government of India.

3. The learned counsel for the petitioner prayed that it may be granted liberty to file the copies of the judgments relied upon by the petitioner, on affidavit, which was allowed.

4. The Commission directed the petitioner to file its submissions on affidavit, as regards the 'mega power project' status accorded to the generating station and the claim of the petitioner for interest on loan along with copies of judgments, on or before 26.7.2011.

5. Subject to the above, order in the petition was reserved.

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