

**Central Electricity Regulatory Commission
New Delhi**

RECORD OF PROCEEDINGS

Petition No. 106/2011

Subject: Miscellaneous Petition for reimbursement of water usage charges for generation of Electricity and license fee levied by Govt. of J&K under the Jammu Kashmir Water Resources (Regulation and Management), Act, 2010.

Date of Hearing: 19.5.2011

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

Petitioner: NHPC Ltd

Respondents: PSPCL and 13 others.

Parties present: Shri Amit Kumar, Advocate, NHPC
Shri N.K. Chadha, NHPC
Shri R.Raina, NHPC
Shri Md. Faruque, NHPC
Shri S.K.Meena, NHPC
Shri Amrik Singh, NHPC
Shri Mukesh Gupta, NHPC

This petition has been filed by the petitioner, NHPC for reimbursement of water usage charges for generation of Electricity and license fee levied by Govt. of J&K under the Jammu Kashmir Water Resources (Regulation and Management), Act, 2010 (hereinafter referred to as the '2010 Act')

2. During the hearing, the learned counsel for the petitioner submitted that in terms of the 2010 Act passed by the Government of J&K during October, 2010 the State Water Resources Regulatory Authority has notified water usage charges and has fixed the water usage charges for generation of electricity from the generating stations of petitioner located in the State of J&K. In addition, the petitioner was also required to obtain a license from the State Govt. for usage of water. He further submitted that the expenditure on water usage charges and license fee levied in terms of the provisions of the 2010 Act for each of the hydel generating stations of the petitioner, be allowed to be recovered from the beneficiaries on actual basis, as and when the same is incurred.

3. On a specific query by the Commission as to the relevant provision of the 2009 Tariff Regulations of the Commission under which such expenditure could be recovered/reimbursed, the learned counsel submitted that a detailed submission in this regard would be made during the next date of hearing.

4. The Commission admitted the petition and directed the petitioner to serve copy of the petition on the respondents, if not already done, by 26.5.2011. The respondents are directed to file their replies on affidavit, with advance copy to the petitioner, on or before 13.6.2011. Rejoinder, if any, by 20.6.2011.

5. Matter to be listed for hearing on 28.6.2011

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