

**Central Electricity Regulatory Commission
New Delhi**

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

Date of hearing: **22.3.2012**

Petition No.3/RP/2012

Subject: Review of order dated 30.11.2011 in Petition No.121/2010 regarding approval of generation tariff of Rangit HE Power Station for the period 1.4.2009 to 31.3.2014.

Petitioner: NHPC Ltd.

Respondents: West Bengal State Electricity Distribution Company Limited (WBSEDCL) and others

Parties Present: Shri R. Raina, NHPC
Shri Amrik Singh, NHPC
Shri S.K.Meena, NHPC
Shri R.B.Sharma, Advocate, JSEB and BSEB

Record of Proceedings

During the hearing, the representative of the petitioner, NHPC Ltd. submitted that there are errors apparent on the face of the order in respect of the following:

- (i) In the calculation of Return on Equity, the Commission has considered the rate of 17.48055% instead of 17.481%, (three decimal places) and the same is contrary to Regulation 15(4) of the 2009 Tariff Regulations.
- (ii) Depreciation has not been calculated as per Regulation 17(4) of the 2009 Tariff Regulations.
- (iii) There is error in the calculation of O&M expenses, under administrative expenses, as the filing fees of ₹25 lakh for 2004-09 has not been considered.

- (i) No reply has been filed by the respondents and the petition may be allowed as prayed for.

2. The learned counsel for Respondent Nos. 3 and 4, viz, JSEB and BSEB submitted that copy of the review petition has not been served upon the respondents. However, the learned counsel submitted that the said review petition is not maintainable since 'errors in judgment' cannot be cured by way of a review petition. He also submitted that in order to demonstrate that review cannot be an appeal in disguise' he has in similar matters before the Commission filed copies of the judgments of the Hon'ble Supreme Court and the Appellate Tribunal and the same may also be considered, in the instant case. The learned counsel prayed that he may be granted liberty to file its reply in the matter after service of copies of the review petition.

3. The representative of the petitioner pointed out that copy of the petition has already been served on the respondents. He however handed over a copy of the petition to the learned counsel for respondent, BSEB which has since been acknowledged.

4. The Respondent Nos. 3 & 4 may file their reply on or before 9.4.2012 with copy to the petitioner, who may file its rejoinder by 16.4.2012.

5. Subject to the above, the Commission reserved its order in the matter.

By Order of the Commission

**Sd/-
(T.Rout)
Joint Chief (Legal)**

