

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 91/2004**

Subject: Approval of tariff of Talcher Thermal Power Station (460 MW) for the period from 1.4.2004 to 31.3.2009 - In compliance with the judgment of the Appellate tribunal dated 19.4.2012 (NTPC-v-CERC)

Date of Hearing: 11.10.2012

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: Grid Corporation of Orissa Ltd., Bhubaneshwar

Parties Present: Shri M.G. Ramachandran, Advocate, NTPC  
Ms Swapna Seshadri, NTPC  
Shri B. S Rajput, NTPC  
Shri Rajiv Kumar, NTPC  
Shri Ajay Dua, NTPC  
Shri Shyam Kumar, NTPC  
Shri Rohit Chhabra, NTPC  
Shri R.K Mehta, Advocate, GRIDCO  
Shri David A, Advocate, GRIDCO  
Shri B.K Sharma, CEA

**RECORD OF PROCEEDINGS**

During the hearing, the learned counsel for the petitioner submitted that the issue of computation of working capital (transportation of coal) may be considered in the light of the judgment of the Appellate Tribunal for Electricity (Tribunal) in Appeal No. 88 of 2007 (in Petition No. 91/2004).

2. The learned counsel for the respondent submitted that against the judgment of the Tribunal dated 19.4.2012, the respondent has filed Civil Appeal (C.A No.5873/2012) before the Hon'ble Supreme Court and the Court on 27.8.2012, has admitted the said appeal. He also submitted that the application for stay is to be heard by the Hon'ble Supreme Court and for this reason the hearing of the petition be adjourned by the Commission.

3. The learned counsel for the petitioner clarified that since no stay has been granted by the Hon'ble Supreme court against the judgment dated 19.4.2012; the Commission can decide the matter based on the observations contained in the judgment, after hearing the parties.

4. Considering the submissions of the parties, the Commission adjourned the matter for two weeks. Meanwhile, the respondent is directed to file its submissions, prior to the next date of hearing, with copy to the petitioner.

5. Matter to be listed for hearing on 6.11.2012.

By order of the Commission

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