

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 15/RP/2012

Subject: Review of order dated 23.5.2012 in Petition No. 270/2009 regarding determination of generation tariff for Auraiya Gas Power Station (663.36 MW) for the period from 1.4.2009 to 31.3.2014.

Date of Hearing: 25.9.2012

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

Petitioners: NTPC Ltd., New Delhi

Respondents: UPPCL and 12 others

Parties Present: Shri C. K. Mondol, NTPC
Shri Ajay Dua, NTPC
Shri Rohit Chhabra, NTPC
Shri A. Basuroy, NTPC
Shri Shankar Saran, NTPC
Shri Sameer Aggarwal, NTPC
Shri. Sudesh K Jain, NTPC
Shri Rajiv Kumar, NTPC
Shri R. B. Sharma, Advocate, BRPL
Shri Padamjit Singh, PSPCL

RECORD OF PROCEEDINGS

During the hearing the representative of the petitioner, NTPC submitted as under:

- (a) The review petition has been admitted on the issue of wrong consideration of balance life of 15.59 years as on 1.4.2009 instead of 6.57 years. Though the

Commission has recognized the life extension only from 1.4.2012 (post R&M), at the same time has considered the extended life from 1.4.2009 itself (pre-R&M), which is an error apparent on the face of the order. The balance life during the period 2009-14 would be based on the original COD and the life of 25 years as provided under the 2009 Tariff Regulations. Hence, the balance life of 6.57 years may be considered as on 2009-10.

2. The learned counsel for the respondent, BRPL, submitted as under:
 - (a) An order or judgment cannot be corrected in review on the ground that it is erroneous in law or that a different view could have been taken by the court on a point or fact or law. The petitioner, under the guise of review cannot re-argue the matter and seek a new judgment, since error in judgment cannot be cured in a review petition. Hence, the contention of the petitioner may be rejected.
 - (b) There are arithmetical mistakes in paragraph 48 and 49 of the order dated 14.6.2012 as regards calculation of the weighted average of the period of operation of the generating station, considering life extension of GTs and the weighted average life of the generating station after R&M of GTs. The arithmetical errors and the consequent correction in calculation of depreciation may be carried out by the Commission in exercise of its power under Regulation 103 of the CERC (Conduct of Business) Regulations, 1999.
 - (c) The Commission has given adequate reasons for the decision in the order and the submission of the petitioner for reconsideration of the order is not permissible in law.
3. The representative of the respondent, PSPCL submitted as under:
 - (a) The Commission in its order has adopted a methodology for working out the balance useful life of the generating station in its order and the petitioner cannot on review challenge the said methodology and seek to substitute it own views. There is no justification for review and the same may be rejected.
 - (b) The Commission has given sufficient reasons in its order for calculating the balance useful life taking into account the R&M of GT and ST. The petitioner has not pointed out to any error apparent on the face of the order. Hence, there is no reason for the petitioner to raise the issue and seek the reconsideration of the order in review.

4. In response to the above, the representative of the petitioner clarified as under:
 - (a) There is error apparent in the order since the Commission has recognized the life extension only from 1.4.2014 (post R&M), but however considered the extended life from 1.4.2009 itself (pre-R&M). This is required to be rectified by the Commission in review.
5. The Commission after hearing the parties, reserved orders in the petition.

By order of the Commission

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