

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:** Shri S.Jayaraman, Member  
Shri V.S.Verma, Member

**Date of hearing:** 12.1.2012

**Review Petition No. 14/2011**

Sub: Review of the order dated 10.5.2011 in Petition No.75/2010 regarding fixation of generation tariff of Tanakpur Hydroelectric Project (3x31.4 MW) for the period from 1.4.2009 to 31.3.2014.

**Review Petition No. 15/2011**

Sub: Review of the order dated 27.6.2011 in Petition No. 104/2010 regarding fixation of generation tariff of Salal Hydroelectric project (6x115 MW) for the period from 1.4.2009 to 31.3.2014.

**Review Petition No. 18/2011**

Sub: Review of the order dated 12.7.2011 in Petition No. 84/2010 regarding approval of generation tariff of Chamera-I Hydroelectric project (540 MW) for the period from 1.4.2009 to 31.3.2014.

**Review Petition No. 19/2011**

Sub: Review of the order dated 27.6.2011 in Petition No. 90/2010 regarding approval of generation tariff of Bairasuil Hydroelectric project (198 MW) for the period from 1.4.2009 to 31.3.2014.

**Petitioner:** NHPC Ltd

**Respondents:** PSPCL (*erstwhile* PSEB) and others

**Parties present:** Shri R.Raina, NHPC  
Shri Amrik Singh, NHPC  
Shri S.K.Meena, NHPC  
Shri M.D.Faruque, NHPC  
Shri C.Vinod, NHPC  
Shri R.B.Sharma, Advocate, BSEB, JSEB, GRIDCO and BSES (BRPL & BYPL)  
Shri T.P.S.Bawa, PSPCL

### **Record of Proceedings**

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

- (i) Rejoinders to the replies filed by the respondents, PSPCL and BRPL have been filed.
- (ii) There is error apparent on the face of the record in the order dated 10.5.2011 in respect of tariff determination for Tanakpur Power Station pertaining to the disallowance of additional capitalization, other expenses, the allocation of regional office expenses, etc. which required to be reviewed by the Commission.
- (iii) Detailed justification in respect of these assets and the gross value of old assets, which are required for successful and efficient plant operation of the generating station, has been furnished and the same may be considered for additional capitalization for the period 2009-14.

2. The learned counsel for Respondent no. 3, BRPL submitted as under:

- (i) Copy of the rejoinder filed by the petitioner has not been received by this respondent.
- (ii) The expenditure disallowed by the Commission under additional capitalization and O&M expenses is in order and there is no error apparent on the face of record.
- (iii) The Commission has given detailed reasons in its order for disallowance of the expenditures and the petitioner cannot be allowed to give fresh justification now and/or reargue his case on the ground that there is an error apparent on the face of record.
- (iv) The petition is not maintainable since review of order is not permissible for an error in judgment. This has been settled by various decisions of the Supreme Court and the Tribunal. Moreover, the petitioner has not pointed out to any error apparent on the face of record in the order of the Commission.
- (v) The proper remedy for the petitioner would be to prefer an appeal before the Tribunal, if so advised.

3. The representative of Respondent No.1, PSPCL (*erstwhile* PSEB) submitted as under:

- (i) The submissions of the learned counsel for respondent No. 3 above were adopted.

- (ii) The power of review is to be exercised by the Commission only for correction of clerical or arithmetical errors/mistakes in the order. Hence, there is no error apparent in the face of the order.
- (iii) The delay in filing the application should not be condoned and the review application may be dismissed.

4. The representative of the petitioner clarified as under:

- (i) The Commission has not considered the filing fees for 2004-09, in the computation of O&M expenses under the head 'administrative expenses' for 2009-14.
- (ii) Similarly, the error in calculation of Employee Cost for the period 2006-07 and 2007-08 and the non-consideration of Regional Office Expenses, for computation of O&M expenses may be corrected and order reviewed accordingly.
- (iii) The detailed reasons for review of order of the Commission have been mentioned in the petition which may be considered.

5. The Commission, after hearing the parties, reserved its orders in the petition.

/By order of the Commission/

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