

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 138/GT/2013**

Subject: Approval of Tariff in respect of Mejia Thermal Power Station Extn. Unit 5 & 6 (2x250 MW) for 2009-14 along with Additional Capital Expenditure for the period from 1.4.2009 to 31.3.2014

Date of hearing: 17.9.2013

Coram: Shri V.S.Verma, Member  
Shri M.Deena Dayalan, Member

Petitioner: DVC Ltd.

Respondents: WBSEDCL & 2 others

Parties present: Shri M.G. Ramachandran, Advocate, DVC  
Shri D.K. Aich, DVC  
Shri, P. Bhattacharya, DVC  
Shri R.B. Sharma, Advocate, JSEB & BRPL  
Shri Manoj Dubey, Advisor, MPPMCL, Jabalpur

**RECORD OF PROCEEDINGS**

This petition has been filed by the petitioner, DVC for approval of tariff in respect of Mejia Thermal Power Station Extn. Unit 5 & 6 (2 x 250 MW) (the generating station) for 2009-14 along with additional capital expenditure from 1.4.2009 to 31.3.2014

2. During the hearing, the learned counsel for the petitioner submitted as under:
  - (a) The projected additional capital expenditure has been claimed for the years 2009-14 based on the latest estimates and the status of work.
  - (b) The additional capital expenditure claimed for the period from 2009-14 shall be considered as per provisions of Regulation 9(1) and 9(2) of the Tariff regulations 2009, based on the justification and details submitted.
  - (c) Tariff for the generating station may be allowed as prayed for in the petition.
  - (d) Additional information as sought for by the Commission has been submitted and copies have been served on the respondents.
  - (e) Reply filed by the respondents, BRPL & JSEB has not been received.
  
3. The learned counsel for the respondents, BRPL & JSEB submitted as under:
  - (a) Reply in the matter has been filed by JSEB which may be considered
  - (b) Though BRPL has not been made a party, the reply filed on behalf of JSEB may be adopted for BRPL also since supply of power is made by the petitioner to BRPL.
  - (c) The Capital cost and other incidental cost as claimed by the petitioner towards subsidiary activities may not be allowed for the purpose of tariff determination since the same is contrary to the DVC Act, 1948.

- (d) Petition No. 148/GT/2013 pertaining to the tariff of the generating station for the period from 24.09.2008 to 31.3.2009 is pending for consideration of the Commission. Certain expenditure including additional capital expenditure for the said period along with the portion of actual IDC and difference of Notional IDC and actual IDC has been claimed which may not be allowed.
- (e) In Appeal No. 40 of 2011 filed by the petitioner before the Tribunal has been rejected by the Tribunal vide its order dated 1.5.2012 except in respect of undischarged liabilities. Similar issues raised in this petition cannot be permitted, except in respect of undischarged liabilities.
- (f) The projected additional capital expenditure claimed by the petitioner can be permitted under Regulation 9(2) only when the same has been considered.
3. During the hearing, the representative of the respondent, MPPMCL filed reply and prayed that the same may be considered at the time of determination of tariff of generating station. He also submitted that the copy of the reply has been served on the petitioner.
4. The petitioner is directed to file its rejoinder, if any, to the replies submitted by the respondent, on or before 04.10.2013, with advance copy to the said respondents.
5. Subject to the above, order in the petition was reserved.

By order of the Commission

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