

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 139/GT/2013

Subject: Revision of tariff of Anta gas Power Station, (419.33MW) from 01.04.2009 to 31.03.2014 after truing up exercise.

Date of hearing: 8.8.2013

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

Petitioner: NTPC Limited,

Respondents: UPPCL & 12 others

Parties present: Shri Rohit Chhabra, NTPC
Shri Ajay Dua, NTPC
Shri Shankar Saran, NTPC
Shri abhay Srivastava, NTPC
Shri Sudesh Jain, NTPC
Shri M.K.V. Ramadev, NTPC
Shri S.K.Sharma, NTPC
Shri R.B.Sharma, Advocate, BRPL
Shri C.A. Manish Garg, Advocate, UPPCL
Shri Alok Shankar, Advocate, TPDDL

RECORD OF PROCEEDINGS

This petition has been filed by the petitioner, NTPC for revision of tariff of Anta Gas Power Station, (419.33MW) (the generating station) for the period from 01.04.2009 to 31.03.2014 after truing up exercise.

2. During the hearing, the learned counsel for the petitioner submitted as under:
- (a) That the additional information as sought for by the Commission has been filed and a copy has been served on the respondents.
 - (b) Rejoinder to the reply of UPPCL has been filed and reply of respondent, BRPL has not been received.
 - (c) Tariff for the generating station may be determined as prayed for in the petition.
3. The learned counsel for the respondent, BRPL referred to his reply and submitted as under:
- (i) The details of Additional Capital Expenditure incurred for the period from 2009-10 to 2011-12 duly audited and certified by the auditors has not been submitted by the petitioner.
 - (ii) The list of assets forming part of the project is required to be submitted by the petitioner for the purpose of determination of tariff for the tariff period 2009-14.
 - (iii) The actual corporate tax paid for this generating station duly audited and certified by the auditors shall be furnished.
 - (iv) Additional capital expenditure in regard to certain items which was disallowed by the Commission has been claim by the petitioner

(v) Reply filed in the petition may be considered at the time of determination of Tariff.

4. The learned counsel for the respondent, TPDDL prayed for one week's time to file its written submission in the matter.

5. The learned counsel for the respondent, UPPCL referred to his reply and submitted as under:

(a) There is an excess recovery of ₹ 47.17 crores on account of tax in respect of the generating station for 2009-14 period.

(b) As per proviso to regulation 15(3), truing up shall be on actual basis from 1.4.2009 to 21.6.2011. However utilities are not grossing up Return on Equity on actuals but on Corporate tax Rate for this period.

(c) Reply filed in the petition may be considered at the time of determination of Tariff.

6. In response to the above, the learned counsel for the petitioner clarified that there is no excess recovery on account of taxation. The tax calculated is in line with the applicable Regulations specified by the Commission. He also referred to the SOR dated 3.2.2009 related to the 2009 Tariff Regulation specified by the Commission and submitted that the contentions of the respondent may be rejected.

7. The Commission after hearing the parties directed the respondent, TPDDL to file its reply with copy to the petitioner, on or before 22.8.2013. The Commission also directed the respondent, BRPL to serve copy of the reply to the petitioner, if not done earlier. Rejoinder, if any, shall be filed by the petitioner by 6.9.2013.

8. Subject to the above, order in the petition was reserved.

By order of the Commission

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