

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 222/GT/2013**

Subject: Revision of tariff of Feroze Gandhi Unchahar Thermal Power Station Stage-II (420 MW) for the period from 1.4.2009 to 31.3.2014 after truing-up exercise.

Date of hearing: **1.7.2014**

Coram: Shri. Gireesh B Pradhan, Chairperson  
Shri M.Deena Dayalan, Member  
Shri A.K.Singhal, Member

Petitioner: NTPC Ltd.

Respondents: Uttar Pradesh Power Corporation Ltd. (UPPCL) and 12 others.

Parties present: Shri Ajay Dua, NTPC  
Shri A.S.Pandey, NTPC  
Shri A.K.Srivastava, NTPC  
Shri R.B.Sharma, Advocate, BRPL  
Ms. Megha Bajpeyi, BRPL  
Shri Padamjit Singh, PSPCL

**Record of Proceedings**

The petitioner, NTPC Ltd. has filed this petition for revision of tariff of Feroze Gandhi Unchahar Thermal Power Station Stage-II (420 MW) for the period from 1.4.2009 to 31.3.2014 for truing-up of tariff determined by Commission's order dated 13.7.2012 in Petition No. 323/2009, in accordance with Regulation 6(1) of the 2009 Tariff Regulations.

2. During the hearing, the representative of the petitioner submitted that the actual capital expenditure (on cash basis) for the period 2009-12 and projected capital expenditure for the period 2012-14 has been claimed in the petition based on the latest estimates and status of works. He also submitted that additional information as sought for by the Commission has been filed and copies have been served on the respondents. The representative further submitted that rejoinder to the reply filed by UPPCL has been furnished. He however prayed for a weeks' time to file rejoinder to the reply of the respondent, BRPL.

3. The representative of the respondent No.8, PSPCL mainly submitted as under:

- (a) The expenditure claimed towards 'Ash dyke modification' may be considered only after adjustment of the revenue earned from sale of fly ash, if any, by the petitioner.
  - (b) The quantity of coal supplied by Coal/Lignite Company, as indicated in Form-15 (Part I) of the petition appears to be in respect of both the stages of the generating station and not for Stage-II only. This needs to be clarified by the petitioner
  - (c) The petitioner may also be directed to provide the details of the imported coal, the GCV of coal as on fired, received, billed and supplied basis.
  - (d) Time to file reply in the matter may be granted.
3. The learned counsel for the respondent, BRPL mainly submitted as under:
- (a) Reply has been filed and copy has been served on the petitioner.
  - (b) The expenditure claimed for Liquid Waste Treatment Plant under Regulation 9(2)(ii) i.e Change in law, based on the letter of Uttar Pradesh Pradushan Nigam Board dated 15.7.1996 may not be allowed as the same was expected to be invested prior to the COD of the generating station and has no proximity with the time period of the notification contemplating change in law.
  - (c) The claim towards Energy Management System may be disallowed in view of the decision of the Commission in order dated 13.7.2012 in Petition No.323/2009 and the judgment of the Tribunal confirming the decision of the Commission not to allow the said expenditure in tariff order dated 28.5.2013 in Petition No. 269/2009.
  - (d) Some of the expenditure claimed under Regulation 9(2) of the 2009 Tariff Regulations may not be allowed since the petitioner has neither identified the relevant regulation under which the said claims have been made nor has any notification in support of the same been submitted. Also, there is no justification for shifting of the projected additional capitalization of Ash Dyke Modification from 2010-11 to 2012-13 and the said work is not permissible under Regulation 9(2) of the 2009 Tariff Regulations.
4. In response, the representative of the petitioner clarified as under:
- (a) The documentary evidence in support of the claim for Energy Monitoring System has been filed vide affidavit dated 15.11.2013.
  - (b) Detailed rejoinder to the replies of the respondents, PSPCL and BRPL may be permitted to be filed.

5. The Commission after hearing the parties directed the petitioner to furnish documentary evidence in support of its claim for replacement of Halon fire fighting system by 14.7.2014, with copy to the respondents. The respondent, PSPCL is directed file its reply on or before 21.7.2014, with copy to the petitioner, who shall file rejoinder to the reply of the respondents PSPCL and BRPL, on or before 30.7.2014. No extension of time shall be granted under any circumstances and the additional information, reply/rejoinder filed after the due date above shall not be considered.

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

By Order of the Commission

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