

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 254/GT/2013

Subject : Revision of tariff for Feroze Gandhi Unchahar Thermal Power Station, Stage-III for the period from 1.4.2009 to 31.3.2014 after truing up exercise.

Date of hearing : 11.9.2014

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

Petitioner : NTPC Limited

Respondents : Uttar Pradesh Power Corporation Ltd. & 12 Others

Parties present : Shri Ajay Dua, NTPC
Shri Shankar Saran, NTPC
Shri Neeraj Kumar, NTPC
Shri Bhupinder Kumar, NTPC
Ms. Rakhi Dua, NTPC
Shri Manish Garg, UPPCL
Shri R.B. Sharma, Advocate, BRPL

Record of Proceedings

This petition has been filed by the petitioner, NTPC Limited for revision of tariff of Feroze Gandhi Unchahar Thermal Power Station, Stage-III for the period 1.4.2009 to 31.3.2014 after truing up exercise, based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (the 2009 Tariff Regulations).

2. 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 year 2012-14 has been claimed based on the latest estimates and status of works. He also submitted that 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 JVVNL, UPPCL and BRPL has been furnished.

3. The representative of the respondent, UPPCL prayed for grant of time to file detailed reply in the matter.

4. The learned counsel for the respondent, BRPL mainly submitted as under:

- (a) Reply filed in the matter may be considered.
- (b) The additional capital expenditure after the cut- off date in respect of capital spares is not admissible under Regulation 9 (2) of the 2009 Tariff Regulations. Moreover Regulation 9 (2) (viii) is not applicable on account of the delay of capital spares. Also, the order of the Commission disallowing the capitalization spares had been upheld by the Appellate Tribunal in its judgment dated 11.4.2014 in Appeal No. 188/2013.
- (c) The amount incurred under the scheme for supply of electricity within 5 km area may be met from the funds under Corporate Social Responsibility. Moreover, the claim of expenditure under Regulation 9 (2) is within the discretionary power of the Commission and the petitioner has no right to claim the said expenditure.

5. The Commission after hearing the parties directed UPPCL to file its reply on or before 29.9.2014, with copy to the petitioner, who shall file rejoinder on or before 7.10.2014. In case the reply/ rejoinder is not filed within the said period as stated above, the petition shall be disposed of based on available records.

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

By order of the Commission

-S/d-
(T. Rout)
Chief (Law)