

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 521/MP/2014**

Subject : Adoption of corporate tax for grossing up Return on Equity for the financial year 2012-13 and to claim Return on Equity with grossed up corporate tax rate for financial year 2012-13 (AY 2013-14), considering the implied disallowance of contribution towards superannuation fund under 43 B of IT Act in FY 2011-12 and allowance of the same in FY 2012-13.

Date of hearing : 6.2.2015

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

Petitioner : Neyveli Lignite Corporation Limited

Respondents : Tamil Nadu Generation and Distribution Company and others.

Parties present : Shri M.G. Ramachandran, Advocate, NLC  
Ms. Anushree Bardhan, Advocate, NLC

**Record of Proceedings**

Learned counsel for the petitioner, Neyveli Lignite Corporation Limited submitted that the present petition has been filed under Regulation 44 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 for seeking reimbursement of actual tax paid by the petitioner treating the period 2011-2012 and 2012-13 cumulatively, namely, twice the tax rate admissible to corporate tax subject to maximum of the actual tax paid relating to the financial years 2011-12 and 2012-13 instead of restricting the tax paid during the financial year 2012-13 to Minimum Alternate Tax. Learned counsel for the petitioner requested the Commission to admit the petition.

2. After hearing the learned counsel for the petitioner, the Commission directed to admit the petition and issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents by 13.2.2015. The respondents were directed to file their replies by

27.2.2015 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 13.3.2015.

4. The petition shall be listed for hearing on 24.3.2015.

**By order of the Commission**

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