

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 260/GT/2013

Coram:

Shri Gireesh B. Pradhan, Chairperson
Shri A.K.Singhal, Member

Date of Hearing: 01.07.2014

Date of Order: 20.05.2015

In the matter of

Revision of tariff of National Capital Thermal Power Station, Dadri Stage-I (840 MW) for the period from 1.4.2009 to 31.3.2014 -Truing up of tariff determined by Commission's order dated 6.7.2012 in Petition No. 255/2009

And

In the matter of

NTPC Ltd
NTPC Bhawan,
Core-7, SCOPE Complex,
7, Institutional Area, Lodhi Road,
New Delhi-110003

...Petitioner

Vs

1. Uttar Pradesh Power Corporation Limited,
Shakti Bhawan, 14 Ashoka Marg,
Lucknow-226 001
2. Tata Power Delhi Distribution Ltd.,
33 KV substation, Hudson Lines, Kingsway Camp,
Delhi-110 009
3. BSES Rajdhani Power Ltd.,
2nd Floor, B-Block, Nehru Place,
New Delhi-110 019
4. BSES Yamuna Power Ltd,
Shakti Kiran Building, Karkardooma,
Delhi-110 092
5. New Delhi Municipal Council (NDMC)
Palika Kendra, Sansad Marg,
New Delhi-110001

...Respondents

Parties present:**For Petitioner:**

Shri Ajay Dua, NTPC
Shri A.S.Pandey, NTPC
Shri A.K Srivastava, NTPC
Shri Anjum Zargar, NTPC

For Respondents:

Shri R.B Sharma, Advocate, BRPL
Ms. Megha Bajpeyi, BRPL

ORDER

This petition has been filed by the petitioner, NTPC for revision of tariff of National Capital Thermal Power Station, Dadri Stage-I (840 MW) (hereinafter referred to as “the generating station”) for the period from 1.4.2009 to 31.3.2014 in terms of the proviso to Regulation 6 (1) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as “the 2009 Tariff Regulations”).

2. The generating station with a capacity of 840 MW comprises of four units of 210 MW each and the date of commercial operation of Unit-I is 1.1.1993, Unit –II is 1.2.1994, Unit-III is 1.4.1995 and Unit –IV is 1.12.1995. Thus, the COD of the generating station is 1.12.1995.

3. The annual fixed charges of the generating station for the period 2009-14 was determined by the Commission vide its order dated 6.7.2012 in Petition No. 255/2009 considering the capital cost of ₹172230.23 lakh after removal of un-discharged liabilities amounting to ₹110.12 lakh. The annual fixed charges based on the capital cost of ₹172230.23 lakh as on 1.4.2009 approved by the said order dated 6.7.2012 was as under:

	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	2445.30	2433.21	2439.26	2439.26	2439.26
Interest on Loan	126.11	0.00	0.00	0.00	0.00
Return on Equity	20180.52	20175.64	20180.43	20180.43	20180.43
Interest on Working Capital	7193.80	7240.85	7309.99	7349.25	7408.71
O&M Expenses	15288.00	16161.60	17085.60	18068.40	19101.60
Cost of Secondary Fuel Oil	2457.17	2457.17	2463.90	2457.17	2457.17
Compensation Allowance	210.00	252.00	294.00	294.00	357.00
Total	47900.89	48720.46	49773.17	50788.51	51944.16

(₹ in lakh)

4. Clause (1) of Regulation 6 of the 2009 Tariff Regulations provides as under:

"6. Truing up of Capital Expenditure and Tariff

(1)The Commission shall carry out truing up exercise along with the tariff petition filed for the next tariff period, with respect to the capital expenditure including additional capital expenditure incurred up to 31.3.2014, as admitted by the Commission after prudence check at the time of truing up.

Provided that the generating company or the transmission licensee, as the case may be, may in its discretion make an application before the Commission one more time prior to 2013-14 for revision of tariff."

5. The petitioner presently seeks revision of the annual fixed charges based on the actual additional capital expenditure incurred for the period 2009-14 in accordance with clause (1) of Regulation 6 of the 2009 Tariff Regulations. The petitioner has considered capital cost based on capital cost admitted as on 31.3.2009, actual capital expenditure incurred (on cash basis) during the years 2009-10 to 2012-13 and the projected capital expenditure to be incurred during the year 2013-14. Accordingly, the annual fixed charges for 2009-14 claimed by the petitioner are as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	2418.13	2436.06	2440.42	2441.55	2441.80
Interest on Loan	126.06	2.70	0.00	0.00	0.00
Return on Equity	19983.55	19774.71	19554.95	19556.14	19556.29
Interest on Working Capital	7196.52	7241.49	7307.35	7346.66	7408.36
O&M Expenses	15288.00	16161.60	17085.60	18068.40	19101.60
Cost of Secondary Fuel Oil	2457.17	2457.17	2463.90	2457.17	2457.17
Compensation Allowance	210.00	252.00	294.00	294.00	357.00
Special Allowance	0.00	0.00	0.00	0.00	0.00
Total	47679.43	48325.74	49146.22	50163.92	51322.22

6. Reply to the petition has been filed by UPPCL (respondent no.1), TPDDL (respondent no. 2), BRPL (respondent no. 3) and BYPL (respondent no. 4) and the petitioner has filed its rejoinder to the said replies. The petitioner has also filed additional information in compliance with the directions of the Commission. We now proceed to examine the claim of the petitioner, on prudence check, based on the submissions of the parties and the documents available on records as stated in the subsequent paragraphs.

Capital Cost as on 1.4.2009

7. The last proviso to Regulation 7 of the 2009 Tariff Regulations, as amended on 21.6.2011, provides as under:

“Provided also that in case of the existing projects, the capital cost admitted by the Commission prior to 1.4.2009 duly trued up by excluding un-discharged liability, if any, as on 1.4.2009 and the additional capital expenditure projected to be incurred for the respective year of the tariff period 2009-14, as may be admitted by the Commission, shall form the basis for determination of tariff.”

8. The annual fixed charges claimed in the petition is based on opening capital cost of ₹172340.35 lakh on accrual basis, as considered in order dated 6.7.2012 in Petition No. 255/2009. The petitioner vide its affidavit dated 30.9.2013 has furnished the value of capital cost and liabilities as on 1.4.2009 as per books at Form-9A, wherein the liabilities have been revised. The details of liabilities and capital cost have been reconciled with the information available with the records of the Commission as under:

	<i>(₹ in lakh)</i>	
	As per Form-9A	As per records of Commission
Capital cost as on 1.4.2009, as per books	173103.14	173103.14
Liabilities included above	2298.16	2298.16

9. It is evident from the above that there is no variation in the capital cost and liabilities position as on 1.4.2009. Further, out of total liabilities amounting to ₹2298.16 lakh, liabilities amounting to ₹2212.57 lakh (₹1591.39 lakh pertains to assets/work capitalized prior 1.4.2004 and ₹621.18 lakh pertaining to assets/work capitalized in 2004-09 period) have been included in gross block of ₹172340.35 lakh.

10. Accordingly, the capital cost as on 1.4.2009, after removal of un-discharged liabilities amounting to ₹2212.57 lakh, works out to ₹170127.78 lakh, on cash basis. Further out of the un-discharged liabilities, the petitioner has discharged ₹118.03 lakh, ₹2.36 lakh, ₹10.05 lakh and ₹0.59 lakh during the years 2009-10, 2010-11, 2011-12 and 2012-13 respectively and has also reversed amounts of ₹717.26 lakh, ₹57.21 lakh during the years 2009-10 and 2010-11 respectively. The discharge of liabilities along with the

discharges corresponding to assets admitted on cash basis, during the period 2009-14 has been allowed as additional capital expenditure during the respective years.

Actual/ Projected Additional Capital Expenditure

11. Regulation 9 of the 2009 Tariff Regulations, as amended on 21.6.2011 and 31.12.2012 provides as under:

*“9. **Additional Capitalisation** (1) The capital expenditure incurred or projected to be incurred, on the following counts within the original scope of work, after the date of commercial operation and up to the cut-off date may be admitted by the Commission, subject to prudence check:*

(i) Un-discharged liabilities;

(ii) Works deferred for execution;

(iii) Procurement of initial capital spares within the original scope of work, subject to the provisions of regulation 8;

(iii) Liabilities to meet award of arbitration or for compliance of the order or decree of a court; and

(v) Change in law:

Provided that the details of works included in the original scope of work along with estimates of expenditure, un-discharged liabilities and the works deferred for execution shall be submitted along with the application for determination of tariff.

(2) The capital expenditure incurred or projected to be incurred on the following counts after the cut-off date may, in its discretion, be admitted by the Commission, subject to prudence check:

(i) Liabilities to meet award of arbitration or for compliance of the order or decree of a court;

(ii) Change in law;

(iii) Deferred works relating to ash pond or ash handling system in the original scope of work;

(iv) In case of hydro generating stations, any expenditure which has become necessary on account of damage caused by natural calamities (but not due to flooding of power house attributable to the negligence of the generating company) including due to geological reasons after adjusting for proceeds from any insurance scheme, and expenditure incurred due to any additional work which has become necessary for successful and efficient plant operation; and

(v) In case of transmission system any additional expenditure on items such as relays, control and instrumentation, computer system, power line carrier communication, DC batteries, replacement of switchyard equipment due to increase of fault level, emergency restoration system, insulators cleaning infrastructure, replacement of damaged equipment not covered by insurance and any other expenditure which has become necessary for successful and efficient operation of transmission system:

Provided that in respect sub-clauses (iv) and (v) above, any expenditure on acquiring the minor items or the assets like tools and tackles, furniture, air-conditioners, voltage stabilizers, refrigerators, coolers, fans, washing machines, heat convectors, mattresses, carpets etc.

brought after the cut-off date shall not be considered for additional capitalization for determination of tariff w.e.f. 1.4.2009.

(vi) In case of gas/liquid fuel based open/ combined cycle thermal generating stations, any expenditure which has become necessary on renovation of gas turbines after 15 year of operation from its COD and the expenditure necessary due to obsolescence or non-availability of spares for successful and efficient operation of the stations.

Provided that any expenditure included in the R&M on consumables and cost of components and spares which is generally covered in the O&M expenses during the major overhaul of gas turbine shall be suitably deducted after due prudence from the R&M expenditure to be allowed.

(vii) Any capital expenditure found justified after prudence check necessitated on account of modifications required or done in fuel receipt system arising due to non-materialisation of full coal linkage in respect of thermal generating station as result of circumstances not within the control of the generating station.

(viii) Any un-discharged liability towards final payment/withheld payment due to contractual exigencies for works executed within the cut-off date, after prudence check of the details of such deferred liability, total estimated cost of package, reason for such withholding of payment and release of such payments etc.

(ix) Expenditure on account of creation of infrastructure for supply of reliable power to rural households within a radius of five kilometres of the power station if, the generating company does not intend to meet such expenditure as part of its Corporate Social Responsibility.”

12. The petitioner has claimed actual additional capital expenditure for the period 2009-13 and projected additional capital expenditure for the year 2013-14 as under:

	(₹ in lakh)				
	2009-10 (Actual)	2010-11 (Actual)	2011-12 (Actual)	2012-13 (Actual)	2013-14 (Projected)
Additional Capital Expenditure claimed (A)	338.66	167.02	13.53	2.54	0.00
De-capitalization (B)	0.00	0.00	0.00	0.00	0.00
Net Additional capital Expenditure claimed C = (A-B)	338.66	167.02	13.53	2.54	0.00
Discharge of liabilities by way of payment out of liabilities on allowed items before 1.4.2009 (D)	118.03	1.83	10.05	0.00	0.00
Discharge of liabilities by way of payment on claimed items after 1.4.2009 (E)	0.00	0.53	6.53	1.88	0.00
Total discharge of liabilities F= (D+E)	118.03	2.36	16.58	1.88	0.00
Total Additional Capital Expenditure claimed	456.69	169.37	30.12	4.42	0.00

13. The break-up of the additional capital expenditure allowed by Commission's order dated 6.7.2012 in Petition No. 255/2009 is as under:

(₹ in lakh)

Sl. No		Actual/Projected Capital Expenditure				
		2009-10 (Actual)	2010-11 (Projected)	2011-12 (Projected)	2012-13 (Projected)	2013-14 (Projected)
1	Land Freehold for Plant/Office	(-) 717.00	0.00	0.00	0.00	0.00
2	Construction of Transit Camp & A,B,C Type Quarters	27.00	0.00	0.00	0.00	0.00
3	NDCT Package	300.00	0.00	0.00	0.00	0.00
4	Fire Protection system for Administrative building	12.00	0.00	0.00	0.00	0.00
5	Ash Storage modification	0.00	136.00	0.00	0.00	0.00
	Total	(-) 378.00	136.00	0.00	0.00	0.00

14. The actual additional capital expenditure for the period 2009-13 and the projected additional capital expenditure for the year 2013-14 claimed by the petitioner in this petition is summarized as under:

	(₹ in lakh)					
	2009-10 (Actual)	2010-11 (Actual)	2011-12 (Actual)	2012-13 (Actual)	2013-14 (Projected)	Total
Actual/Projected additional capital expenditure (Excluding liabilities discharged)	338.66	167.02	13.53	2.54	0.00	521.77

15. The break-up of the additional capital expenditure claimed by the petitioner for 2009-14 is detailed as under:

Sl. No		Actual/Projected Capital Expenditure				
		2009-10 (Actual)	2010-11 (Actual)	2011-12 (Actual)	2011-12 (Actual)	2013-14 (Projected)
A						
1	Land Freehold for Plant/Office	0.00	0.00	0.00	0.00	0.00
2	Construction of Transit Camp & A, B, C Type Quarters	26.96	0.00	0.00	0.00	0.00
3	NDCT Package	299.98	0.00	0.00	0.00	0.00
4	Fire Protection System for administrative building	11.73	0.00	0.00	0.00	0.00
5	Ash Storage modification	0.00	0.00	0.00	0.00	0.00
	Total A	338.66	0.00	0.00	0.00	0.00
B	New Claim					
	Consultant Contract for design of Acoustics, Interior Etc for Admin Building	0.00	0.75	0.00	0.00	0.00
7	Construction of shed over Track Hopper in CHP area	0.00	13.39	0.00	0.00	0.00
8	Main Switchgear for administrative building	0.00	22.80	0.00	0.00	0.00
9	Installation & Commissioning of	0.00	4.77	0.00	0.00	0.00

	MPLS VPN Connectivity					
10	Stage Lighting, Acoustics, Video Projection system & Sound Reinforcement System for auditorium	0.00	11.17	11.49	2.39	0.00
11	Erection of 220 kV & 400 kV CVT & Earthing of ICT in Switchyard	0.00	2.84	0.00	0.00	0.00
12	Boundary wall	0.00	0.43	0.00	0.00	0.00
	Total B	0.00	56.15	11.49	2.39	0.00
C	Change in Law					
13	Ambient Air Quality Monitoring System	0.00	96.79	0.00	0.00	0.00
14	Township Metering Package	0.00	12.75	0.00	0.00	0.00
	Total C	0.00	109.54	0.00	0.00	0.00
D	Ash Related Work					
15	Construction of Watch Towers for Ash Mound Area	0.00	1.34	2.04	0.15	0.00
	Total D	0.00	1.34	2.04	0.15	0.00
	Grand Total	338.66	167.02	13.53	2.54	0.00

16. It is observed from the table above that the total additional capital expenditure claimed for the period 2009-14 is ₹521.77 as against the additional capital expenditure of (-)₹242.00 lakh [(-)378+136] allowed vide order dated 6.7.2012 in Petition No. 255/2009. This difference is on account of (a) No claim against the capitalization of (-)₹717.00 lakh for free hold land (b) variation of ₹0.33 lakh on account of rounding of decimals to two places (c) less claim of ₹136.00 lakh for Ash storage modification (d) new claim of ₹70.03 lakh for Construction of shed, switchgear etc. (e) expenditure of ₹109.54 for Environmental system and (f) Expenditure of ₹3.53 lakh for Ash related works. The claims of the petitioner are examined as under:

Freehold Land for Plant/ Office

17. In Commission's order dated 6.7.2012 in Petition No. 255/2009, the capitalization of (-)₹717.00 lakh pertaining to freehold land for plant/office had been allowed. However, the petitioner has presently not claimed capitalization of this work, but has instead excluded an amount of (-)₹717.26 lakh. In view of this, the said amount has been considered under the head 'Exclusions'.

18. The Commission in order dated 6.7.2012 in Petition No.255/2009 had allowed the actual expenditure of ₹339.00 lakh (₹27.00 lakh for construction of Transit Camp and A, B & C Type quarters, ₹300.00 lakh for NDCT Package and ₹12.00 lakh for Fire protection system) during 2009-10. The petitioner has now claimed actual additional capital expenditure of ₹338.67 lakh (₹26.96 lakh for construction of Transit Camp and A, B & C Type quarters, ₹299.98 lakh for NDCT Package and ₹11.73 lakh for Fire protection system) incurred during 2009-10. The petitioner vide affidavit dated 25.3.2014 has also submitted that the variation is on account of rounding of decimal to two places. In view of the submissions, the actual additional capital expenditure of ₹338.67 lakh (₹26.96 lakh for construction of Transit Camp and A, B & C Type quarters, ₹299.98 lakh for NDCT Package and ₹11.73 lakh for Fire protection system), incurred during 2009-10 is allowed.

Ash Storage Modification

19. The Commission had allowed the projected additional capital expenditure of ₹136.00 lakh during 2010-11 for Ash Storage modification. However, the petitioner vide affidavit dated 21.10.2013 has submitted that the work related to Ash storage modification has already been completed and will be capitalized in 2013-14 and the same will be claimed subsequently. Accordingly, the petitioner has presently not claimed any additional capital expenditure on this count.

New Items /Works – Claim under Regulation 9(2) (viii)

20. The petitioner has claimed actual additional capital expenditure on new assets/works totaling to ₹70.02 lakh for construction of Shed, Main switch gear for administrative building, Storage lighting and Video projection system installation & Commissioning of MPLS VPN connectivity etc. for the period 2010-11 to 2012-13 under the Regulation 9(2) (viii) of the 2009 Tariff Regulation. Since the claim of the petitioner for new works/purchases which are being capitalized after the cut-off-date do not fall under

any of the provisions of Regulation 9(2) of the 2009 Tariff Regulations, the capitalization of ₹70.13 lakh is not allowed.

Change- in-Law [Regulation 9(2)(ii)]

Environmental System

21. The petitioner has claimed actual additional capital expenditure of ₹109.54 lakh (₹96.79 lakh for Ambient Air Quality Monitoring System and ₹12.75 lakh for Township Metering System) during 2010-11. The petitioner's claim of ₹96.79 lakh for Ambient Air Quality Monitoring System for continuous Monitoring of stack emission is allowed under the Regulation 9(2)(ii) as the expenditure is in compliance with the statutory requirement of the Ministry of Environment and Forests, GOI. However, the additional capital expenditure of ₹12.75 lakh for Township Metering system has not been allowed and shall be met from the Compensation Allowance allowed to the generating station in order dated 6.7.2012 in Petition No. 255/2009 under Regulation 19(e) of 2009 Tariff Regulations. Accordingly, the additional capital expenditure of ₹12.75 lakh for Township Metering System has been disallowed.

Ash Related Works under the Regulation 9(2)(iii)

22. The petitioner has claimed actual capital expenditure of ₹3.53 lakh (₹1.34 lakh during 2010-11, ₹2.04 lakh during 2011-12 and ₹0.15 lakh during 2012-13) for Construction of watch towers for Ash mound area in view of the increased security threat to the plant. In our view, this claim is of a minor nature and shall be met from the Compensation allowance allowed in order dated 6.7.2012 in Petition No. 255/2009 under the Regulation 19(e) of 2009 Tariff Regulations. Accordingly, the additional capital expenditure of ₹3.53 lakh has been disallowed.

23. The petitioner has reconciled the actual additional capital expenditure for the period 2009-10 to 2012-13 with the books of accounts as under:

(₹ in lakh)

Sl. No.		2009-10 (actual)	2010-11 (actual)	2011-12 (actual)	2012-13 (actual)
1	Opening Gross Block as on 1 st April of year (A)	173103.14	173335.78	175350.44	175778.83
2	Less: Assets held for disposal	0.00	0.00	0.00	1.62
3	Opening Gross Block as on 1.4.2012	-	-	-	175777.22
4	Closing Gross Block as on 31 st March of year (B) = (1-2)	173335.78	175350.44	175778.83	174215.16
5	Additions during the year C= (B-A) (as per books)	232.64	2014.66	428.39	(-)1562.05
6	Exclusions on cash basis (D)	(-)158.82	1822.42	351.71	(-)1566.59
7	Un-discharged Liabilities (E)	52.81	25.22	63.15	2.00
8	Additional Capitalization claimed on cash basis excluding discharges (C-D-E)	338.66	167.02	13.53	2.54

24. Accordingly, the actual additional capital expenditure claimed by the petitioner has been reconciled with gross block of balance sheet. It is observed from the above table that there is a reduction in opening gross block as on 1.4.2012 due to deduction of an amount of ₹1.62 lakh on account of assets held for disposal. The petitioner vide affidavit dated 28.2.2014 has submitted that these assets have been transferred from gross block to current assets. Accordingly, the opening gross block of ₹175777.22 lakh as on 1.4.2012 has been considered for the purpose of tariff. The actual additional capital expenditure claimed by the petitioner is at variance with the additional capital expenditure as per books of accounts due to exclusions of certain expenditure and the un-discharged liabilities for the purpose of tariff.

Exclusions

25. The summary of exclusions claimed (on cash basis) for the purpose of tariff is as under:

(₹ in lakh)

Sl. No.		2009-10	2010-11	2011-12	2012-13
1	Land free hold Plant/office (Muradnagar)	423.26	0.00	0.00	0.00
2	Generator package supply & erection	0.00	21.01	0.00	0.00
3	Liability reversal	(-) 717.26	(-) 57.21	(-)8.86	(-)7.54
4	Capitalization of Spares	378.45	365.71	619.48	700.49
5	De-cap of spares part of capital cost	(-)183.25	0.00	0.00	(-) 224.33
6	De-cap of spares not part of capital cost	(-)12.61	(-)232.09	(-)144.77	0.00
7	Capitalization of MBOA items	0.00	3.34	0.00	0.00
8	De-capitalization of MBOA items part of capital cost	(-) 36.16	(-)224.35	(-)109.83	(-) 69.07

9	De- capitalization of MBOA not part of capital cost	(-)11.25	(-) 5.04	(-) 3.25	(-)14.79
10	Inter-Unit transfer of temporary nature	0.00	1951.36	0.00	(-)1951.36
11	Inter-Unit transfer of permanent nature	0.00	(-) 0.31	(-) 1.06	0.00
12	Total Exclusions claimed	(-)158.82	1822.42	351.71	(-) 1566.59

26. We now consider the exclusions for the years 2009-10, 2010-11, 2011-12 and 2012-13 under different heads of the claim for the purpose of tariff.

Items disallowed

27. The petitioner has excluded amount of ₹423.26 (excluding un-discharged liability of ₹ 52.18 lakh) for Free hold Land for Plant/office in Muradnagar during 2009-10, ₹21.01 lakh for Generator package supply & erection during 2010-11, on cash basis, excluding un-discharged liability of ₹2.35 lakh during 2011-12 for Free hold land for plant/office in Muradnagar, on account of these items having been disallowed by the Commission. Since these items were not allowed to be capitalized, they do not form part of capital cost. Hence, the exclusion of ₹423.46 lakh (excluding liability of ₹52.18 lakh) during 2009-10, ₹21.01 lakh during 2010-11 on cash basis and 'nil' during 2011-12 (excluding un-discharged liability of ₹2.35 lakh) under this head are in order and has been allowed.

Capitalization of spares

28. The petitioner has capitalized capital spares in books of accounts amounting to ₹378.45 lakh during 2009-10, ₹365.71 lakh during 2010-11, ₹619.48 lakh during 2011-12 and ₹700.49 lakh during 2012-13. Since the capitalization of capital spares over and above the initial spares procured after cut-off date are not allowed for the purpose of tariff as they form part of O&M expenses as and when consumed, the exclusion of ₹378.45 lakh during 2009-10, ₹365.71 lakh during 2010-11, ₹619.48 lakh during 2011-12 and ₹700.49 lakh during 2012-13 are in order and is allowed.

De-capitalization of Spares

29. The petitioner has de-capitalized spares in books of accounts amounting to (-)₹195.86 lakh during 2009-10, (-)₹232.09 lakh during 2010-11, (-)₹144.77 lakh during 2011-12 and (-)₹224.33 lakh during 2012-13 on these spares becoming unserviceable. The petitioner in the petition vide affidavit dated 30.9.2013 has submitted the details of de-capitalization of spares. After examining the details, it is observed that out of (-)₹195.86 lakh, spares amounting to (-)₹183.25 lakh during 2009-10 and spares amounting to (-)₹224.33 lakh during 2012-13 were allowed as part of the capital cost and spares amounting to (-)₹12.61 lakh during 2009-10, (-)₹232.09 lakh during 2010-11 and (-)₹144.77 lakh during 2011-12 were not allowed in tariff since they do not form part of the capital cost. Hence, de-capitalization of spares for (-)₹183.25 lakh during 2009-10 and (-)₹224.33 lakh during 2012-13 which were allowed has not been allowed under exclusion. Also the de-capitalization of spares for (-)₹12.61 lakh during 2009-10, (-)₹232.09 lakh during 2010-11 and (-) ₹144.77 lakh during 2011-12 which were not allowed do not form part of capital cost of the generating station for the purpose of tariff and hence allowed under exclusion. The petitioner is however directed to furnish the list of spares which were capitalized and de-capitalized in the respective years of the tariff period 2009-14 along with proper justification at the time of final truing up of tariff in terms of Regulation 6(1) of the 2009 Tariff Regulations.

Capitalization of Miscellaneous Bought Out Assets (MBOA)

30. The petitioner has capitalized MBOA items in books of accounts amounting to ₹3.34 lakh during 2010-11. Since capitalization of MBOA items after the cut-off date is not allowed for the purpose of tariff, the exclusion of ₹3.34 lakh during 2010-11 is in order and hence allowed.

De-capitalization of Miscellaneous Bought Out Assets (MBOA)

31. The petitioner has de-capitalized MBOA amounting to (-)₹47.41 lakh during 2009-10, (-)₹229.39 lakh during 2010-11, (-)₹113.08 lakh during 2011-12 and (-)₹83.86 lakh during 2012-13 in books of accounts on these MBOA items becoming unserviceable. On scrutiny, it is noticed that the details of de-capitalization of MBOA items amounting to (-)₹36.16 lakh (out of (-)₹47.41 lakh) during 2009-10, (-)₹ 224.35 lakh (out of (-)₹ 229.39 lakh) during 2010-11, (-)₹109.83 lakh (out of (-) ₹113.08 lakh) during 2011-12 and (-)₹69.07 lakh (out of (-)₹83.86 lakh) during 2012-13 were allowed in tariff as part of the capital cost and rest of the MBOA items amounting to (-)₹11.25 lakh during 2009-10 (-)₹ 5.04 lakh during 2010-11, (-)₹3.25 lakh during 2011-12 and ₹(-)14.79 lakh were not allowed and hence do not form part of the capital cost.

32. Out of the exclusion of assets allowed on account of de-capitalization, an amount of (-)₹401.17 lakh [(-)₹23.69 lakh in 2009-10, (-)₹232.70 lakh in 2010-11, (-)₹144.77 lakh in 2011-12 and (-)₹0.01 lakh in 2012-13] pertain to those assets which were capitalized during 2009-14. Also, in some cases, the year of capitalization and the year of de-capitalization remain the same, which necessitates further clarification from the petitioner. It is further observed that though there has been no capitalization of MBOA during 2009-10, the year of capitalization corresponding to de-capitalization of MBOA in 2009-10 has been indicated as 2009-10, which in our view is not possible. Therefore, we are of the view that sufficient and proper details are required to be furnished by the petitioner in order to consider the exclusion of de-capitalization of assets. Accordingly, the claim of the petitioner for exclusion of all de-capitalization (which has been shown as actually capitalized during tariff period 2009-14 itself) are disallowed with no corresponding adjustment to cumulative depreciation and repayments. However the proper and sufficient details/clarification shall be furnished by the petitioner on this count, at the time

of revision of tariff of the generating station for the period 2009-14, based on truing-up exercise in terms of Regulation 6 (1) of the 2009 Tariff Regulations.

33. The petitioner vide affidavit dated 28.2.2014 has submitted that out of an amount of ₹224.35 lakh de-capitalized in 2010-11 (which form part of the capital cost) the capital expenditure in respect of certain assets not owned by the company were earlier reflected in the capital account and as per the Company's revised accounting policy, these assets were now being charged to Revenue account. It has clarified that assets amounting to ₹117.95 lakh are still in use and have been shifted to revenue account due to change in the accounting policy of the company, based on opinion of Advisory Committee of ICAI. We have considered the submissions of the petitioner. In the absence of any details of the assets not owned by the company being furnished by the petitioner, the exclusion of ₹117.95 lakh sought for by the petitioner has not been allowed. However, this shall be considered at the time of revision of tariff of the generating station for the period 2009-14, based on final truing-up exercise in terms of Regulation 6 (1) of the 2009 Tariff Regulations, subject to the petitioner furnishing details of the assets not owned by the company. In addition to this, the petitioner shall furnish the notes to financial statements for the years 2009-10, 2010-11 and 2011-12. Similarly, the exclusion of ₹106.39 lakh towards de-capitalization of MBOA items which were part of capital cost has not been allowed.

34. To summarize, in respect of the exclusion sought for the years 2009-10, 2011-12 and 2012-13, (a) the exclusion for de-capitalization of MBOA items for (-)₹36.16 lakh during 2009-10, (-)₹109.83 lakh during 2011-12 and (-)₹69.07 lakh during 2012-13 which were earlier allowed in tariff and hence forming part of the admitted capital cost has not been allowed, (b) the de-capitalization of rest of the MBOA items for (-)₹11.25 lakh during 2009-10, (-)₹3.25 lakh during 2011-12 and (-)₹14.79 lakh during 2012-13 which were earlier not

allowed does not form part of capital cost of the generating station for the purpose of tariff and hence allowed.

Inter-Unit Transfers

35. The petitioner has excluded amount of (-)₹0.31 lakh on account of inter-unit transfer of MBOA items transferred to NCR HQ (on permanent basis) and ₹975.68 lakh each on account of inter-unit transfer of temporary nature (LOCO – 2 nos from Bogaigaon to the generating station) during 2010-11, (-)₹0.16 lakh and (-)₹0.89 lakh for Office equipment transferred to Corporate centre (on permanent basis) during 2011-12 and (-)₹975.68 lakh each towards temporary transfer of LOCO-2 nos (one each transferred to Sipat and Singrauli) during 2012-13. The Commission while dealing with the application for additional capitalization in respect of other generating stations of the petitioner had decided that both positive and negative entries arising out of inter-unit transfers of temporary nature shall be ignored for the purposes of tariff. In consideration of the said decision, the exclusion of ₹1951.36 lakh on account of inter-unit transfer of temporary nature (LOCO-2 nos. from Bogaigaon to the generating station) during 2010-11 and (-) ₹1951.36 lakh {(–)₹975.68 lakh each for LOCOs (transferred to Sipat & Singrauli of temporary nature)} during 2012-13 is allowed. However, the exclusion of (-)₹0.31 lakh during 2010-11 and (-)₹1.06 lakh {(–)₹0.17 lakh for transfer of Office equipment to Corporate centre and (-)₹0.89 lakh for Transfer of IT equipments to Corporate centre)} during 2011-12 for inter-unit transfers of a permanent nature has not been allowed under exclusion.

36. The details of the exclusions claimed *vis-a-vis* allowed, on cash basis, during 2009-14 is as under:

	(₹ in lakh)			
	2009-10	2010-11	2011-12	2012-13
Exclusions claimed	(-)158.82	1822.42	351.71	(-)1566.59
Less: Exclusions allowed	84.30	2279.78	607.37	(-)1273.18
Exclusions not Allowed	(-) 243.12	(-) 457.36	(-)255.66	(-) 293.41

37. Based on the above discussions, the actual additional capital expenditure for the years 2009-10, 2010-11, 2011-12 and 2012-13 and the projected additional capital expenditure during 2013-14 allowed is summarized as under:

(₹ in lakh)					
Head of work/ Equipment	2009-10 (Actual)	2010-11 (Actual)	2011-12 (Actual)	2011-12 (Actual)	2013-14 (Projected)
Freehold Land for Plant/Office	0.00	0.00	0.00	0.00	0.00
Construction of Transit camp & A,B,C Type Quarters	26.96	0.00	0.00	0.00	0.00
NDCT Package	299.98	0.00	0.00	0.00	0.00
Fire Protection system for administrative building	11.73	0.00	0.00	0.00	0.00
Ash storage modification	0.00	0.00	0.00	0.00	0.00
Total (A)	338.66	0.00	0.00	0.00	0.00
New Claims- Regulation 9(2)(viii)					
Consultant contract for design of Acoustics, Interior etc for administration building	0.00	0.00	0.00	0.00	0.00
Construction of shed over Track Hopper in CHP area	0.00	0.00	0.00	0.00	0.00
Main Switchgear for administrative building	0.00	0.00	0.00	0.00	0.00
Installation & Commissioning of MPLS VPN connectivity	0.00	0.00	0.00	0.00	0.00
Stage Lighting, Acoustics, Video Projection system & sound reinforcement system for auditorium	0.00	0.00	0.00	0.00	0.00
Erection of 220 kV & 400 kV CVT & Earthing of ICT in Switchyard	0.00	0.00	0.00	0.00	0.00
Boundary wall	0.00	0.00	0.00	0.00	0.00
Total (B)	0.00	0.00	0.00	0.00	0.00
Change in Law -Regulation 9(2) (ii)					
Ambient Air Quality Monitoring System	0.00	96.79	0.00	0.00	0.00
Township Metering Package	0.00	0.00	0.00	0.00	0.00
Total (C)	0.00	96.79	0.00	0.00	0.00
Ash Related Work -Regulation 9(2)(iii)					
Construction of Watch Towers for Ash Mound area	0.00	0.00	0.00	0.00	0.00
Total (D)	0.00	0.00	0.00	0.00	0.00
Grand total of the additional capitalization allowed (A+B+C+D) = E	338.66	96.79	0.00	0.00	0.00
Exclusion not allowed =F	(-) 243.12	(-) 457.36	(-) 255.66	(-) 293.41	0.00
Net additional capitalization allowed = E + F	95.55	(-)360.57	(-) 255.66	(-) 293.41	0.00

38. Considering the discharges of liabilities during the period 2009-14, the net additional capital expenditure allowed is as under:

(₹ in lakh)

	2009-10	2010-11	2011-12	2012-13	2013-14
Additional capital expenditure (excluding discharges)	95.55	(-) 360.57	(-) 255.66	(-) 293.41	0.00
Add: Discharges of liabilities (against allowed assets / works)	118.03	2.36	10.05	0.59	0.00
Net additional capital expenditure allowed	213.58	(-) 358.21	(-) 245.61	(-) 292.83	0.00

39. Based on the above, the capital cost considered for the purpose of tariff for 2009-14 is as under:

(₹ in lakh)

	2009-10 (Actual)	2010-11 (Actual)	2011-12 (Actual)	2012-13 (Actual)	2013-14 (Projected)
Opening capital cost	170127.78	170341.37	169983.16	169737.55	169444.73
Additional capital expenditure	213.58	(-) 358.21	(-) 245.61	(-) 292.83	0.00
Closing Capital Cost	170341.37	169983.16	169737.55	169444.73	169444.73
Average Capital Cost	170234.57	170162.26	169860.36	169591.14	169444.73

Debt–Equity Ratio

40. In terms of Regulation 12 of the 2009 Tariff Regulations, the gross loan and equity of ₹86321.60 lakh and ₹86018.75 lakh respectively, as on 31.3.2009 approved vide order dated 5.9.2011 in Petition No.120/2009 has been considered as gross loan and equity as on 1.4.2009. However, un-discharged liabilities amounting to ₹2212.57 lakh deducted from the capital cost has been adjusted to debt and equity in the ratio of 50:50 for assets/works capitalized prior to 2004 and the balance in the debt-equity ratio of 70:30. As such, the gross normative loan and equity as on 1.4.2009 is revised to ₹85091.08 lakh and ₹85036.70 lakh respectively. Further, the admitted additional capital expenditure has been allocated in the debt-equity ratio of 70:30. The same is subject to truing-up in the terms of the provisions contained in Regulation 6 (1) of the 2009 Tariff Regulations.

Return on Equity

41. The petitioner has considered pre tax Return on Equity of @ 22.944%. However, considering the fact that the actual tax rate for 2013-14, the pre tax Return on Equity

works out to 23.481%. This has been considered. Accordingly, in terms of Regulation 15 of the 2009 Tariff Regulations, return on equity has been worked out as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Notional Equity- Opening	85036.70	85100.78	84993.32	84919.63	84831.79
Addition of equity due to additional capital expenditure	64.07	(-)107.46	(-)73.68	(-) 87.85	-
Normative Equity - Closing	85100.78	84993.32	84919.63	84831.79	84831.79
Average Normative Equity	85068.74	85047.05	84956.47	84875.71	84831.79
Return on Equity (Base Rate)	15.500%	15.500%	15.500%	15.500%	15.500%
Tax Rate for respective years	33.990%	33.218%	32.445%	32.445%	33.990%
Rate of Return on Equity (Pre Tax)	23.481%	23.210%	22.944%	22.944%	23.481%
Return on Equity (Pre Tax)- (annualized)	19974.99	19739.42	19492.41	19473.88	19919.35

Interest on loan

42. In terms of Regulation 16 of the 2009 Tariff Regulations, Interest on loan has been worked out as under:

- (a) The gross normative loan of ₹85091.08 lakh as on 1.4.2009 has been considered.
- (b) Cumulative repayment of ₹83681.76 lakh as on 31.3.2009 as considered in order dated 5.9.2011 in Petition No.120/2009 has been considered as on 1.4.2009. However, after taking into account the proportionate adjustment (taking into account the liability and debt position as on 1.4.2004 along with additions during the period 2004-09, if any) to the cumulative repayment on account of un-discharged liabilities deducted from the capital cost as on 1.4.2009, the cumulative repayment as on 1.4.2009 is revised to ₹82515.67 lakh.
- (c) Accordingly, the net normative opening loan as on 1.4.2009 works out to ₹2575.41 lakh.
- (d) Addition to normative loan on account of additional capital expenditure approved above has been considered.
- (e) Depreciation allowed has been considered as repayment of normative loan during the respective year of the tariff period 2009-14. Further proportionate adjustment has been made to the repayments corresponding to discharges and reversals of liabilities considered during the respective years on account of cumulative repayment adjusted as on 1.4.2009.
- (f) The petitioner has considered originally contracted GOI loans as actual loan portfolio for the purpose of calculating the weighted average rate of interest. However, these GOI loans were financed with Bonds earlier. As such, these Bonds represent the actual loan portfolio as existing on 1.4.2009. Accordingly, in terms of Regulation 16(5), the weighted average rate of interest has been calculated considering the actual loan portfolio comprising of Bonds XIII Series A & B existing as on 1.4.2009.

43. The necessary calculation for interest on loan is as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Gross opening loan	85091.08	85240.59	84989.84	84817.92	84612.94
Cumulative repayment of loan upto previous year / period	82515.67	85181.61	84989.84	84817.92	84612.94
Net Loan Opening	2575.41	58.98	0.00	0.00	0.00
Addition due to additional capital expenditure	149.51	(-) 250.75	(-)171.92	(-) 204.98	0.00
Repayment of loan during the year	2398.97	(-) 63.35	(-) 99.92	0.40	0.00
Less: Repayment adjustment on account of de-capitalization	153.59	157.04	76.88	205.38	0.00
Add: Repayment adjustment on discharges corresponding to un-discharged liabilities deducted as on 1.4.2009	420.56	28.63	4.88	0.00	0.00
Net Repayment	2665.94	(-)191.77	(-)171.92	(-)204.98	0.00
Net Loan Closing	58.98	0.00	0.00	0.00	0.00
Average Loan	1317.19	29.49	0.00	0.00	0.00
Weighted Average Rate of Interest on loan	9.5800%	9.5800%	9.5800%	9.5800%	9.5800%
Interest on loan	126.19	2.83	0.00	0.00	0.00

Depreciation

44. The cumulative depreciation as considered in order dated 5.9.2011 in Petition No.120/2009 as on 31.3.2009 is ₹120117.79 lakh. Further, proportionate adjustment has been made to this cumulative depreciation on account of un-discharged liabilities deducted as on 1.4.2009. Accordingly, the revised cumulative depreciation works out to ₹119998.53 lakh as on 1.4.2009. Further, the value of freehold land considered in the said order is ₹6500.96 lakh as on 31.3.2009. However, the value of freehold land in this petition is ₹6637.49 lakh and the same has been considered for the purpose of calculating depreciable value. Further, there is an adjustment in freehold land amounting to ₹717.26 lakh during 2009-10 which has also been considered. Accordingly, the balance depreciable value (before providing depreciation) for the year 2009-10 works out

to ₹29075.55 lakh. Since, as on 1.4.2009, the generating station is more than 12 years old from the effective date of commercial operation of the generating station i.e. 25.7.1994, depreciation has been calculated by spreading over the balance depreciable value. The balance useful life as on 1.4.2009, as per order dated 5.9.2011 in Petition No.120/2009 works out to 12.12 years and the same has been considered for calculation of depreciation. Further, proportionate adjustment has been made to the cumulative depreciation corresponding to discharges of liabilities considered during the respective years on account of cumulative depreciation adjusted as on 1.4.2009. The necessary calculations in support of depreciation are as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Opening Capital Cost	170127.78	170341.37	169983.16	169737.55	169444.73
Add: Additional Capital Expenditure	213.58	(-) 358.21	(-) 245.61	(-) 292.83	-
Closing Capital Cost	170341.37	169983.16	169737.55	169444.73	169444.73
Average Capital Cost	170234.57	170162.26	169860.36	169591.14	169444.73
Depreciable value @ 90% (Excluding land)	149074.09	149001.64	148725.75	148 480.09	148348.32
Remaining useful life at the beginning of the year	12.12	11.12	10.12	9.12	8.12
Balance depreciable value	29075.55	26683.16	24161.93	21609.33	19326.29
Depreciation (annualized)	2398.97	2399.57	2387.54	2369.44	2380.09
Cumulative depreciation at the end of the period	122397.51	124718.04	126951.36	129240.21	131402.11
Less: Cumulative depreciation adjustment on account of un-discharged liabilities as on 1.4.2009	(-)75.02	(-) 41.47	(-)1.88	-	-
Less: Cumulative depreciation reduction due to de-capitalization	154.05	195.69	82.48	218.18	-
Cumulative depreciation (at the end of the period)	122318.48	124563.82	126870.76	129022.03	131402.11

Normative Annual Plant Availability Factor

45. The Normative Annual Plant Availability Factor of 85% as considered in order dated 6.7.2012 in Petition No.255/2009 has been considered for the purpose of tariff.

O&M Expenses

46. O&M expenses as considered in order dated 6.7.2012 in Petition No.255/2009 as stated below has been considered.

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
O&M expenses	15288.00	16161.60	17085.60	18068.40	19101.60

Interest on Working Capital

47. Regulation 18(1) (a) of the 2009 Tariff Regulations provides that the working capital for coal based generating stations shall cover:

- i) *Cost of coal for 1.5 months for pit-head generating stations and 2 months for non-pithead generating stations, for generation corresponding to the normative annual plant availability factor;*
- ii) *Cost of secondary fuel oil for two months for generation corresponding to the normative annual plant availability factor, and in case of use of more than one liquid fuel oil, cost of fuel oil stock for the main secondary fuel oil;*
- iii) *Maintenance spares @ 20% of operation and maintenance expenses specified in regulation 19.*
- iv) *Receivables equivalent to two months of capacity charge and energy charge for sale of electricity calculated on normative plant availability factor; and*
- v) *O&M expenses for one month.*

48. Clause (3) of Regulation 18 of the 2009 Tariff Regulations, as amended on 21.6.2011

Rate of interest on working capital shall be on normative basis and shall be considered as follows:

(i) SBI short-term Prime Lending Rate as on 01.04.2009 or on 1st April of the year in which the generating station or unit thereof or the transmission system as the case may be is declared under commercial operation whichever is later for the unit or station whose date of commercial operation falls on or before 30.06.2010.

(ii) SBI Base Rate plus 350 basis points as on 01.07.2010 or as on 1st April of the year in which the generating station or a unit thereof or the transmission system as the case may be is declared under commercial operation whichever is later for the units or station whose date of commercial operation lies between the period 01.07.2010 to 31.03.2014.

Provided that in cases where tariff has already been determined on the date of issue of this notification the above provisions shall be given effect to at the time of truing up.

49. Working capital has been calculated considering the following elements as under:

Cost of Coal and Secondary Fuel Oil for two months

50. The fuel component in the working capital as considered in order dated 6.7.2012 as under has been considered:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Cost of coal for 2 months	23000.13	23000.13	23063.14	23000.13	23000.13
Cost of secondary fuel oil 2 months	409.53	409.53	410.65	409.53	409.53

Maintenance Spares

51. The maintenance spares as considered in order dated 6.7.2012 as stated under has been considered:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Cost of maintenance spares	3057.60	3232.32	3417.12	3613.68	3820.32

Receivables

52. The receivables have been worked out on the basis of two months of fixed and energy charges (based on primary fuel only) as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Variable Charges - for two months	23000.13	23000.13	23063.14	23000.13	23000.13
Fixed Charges – for two months	7940.64	8040.62	8169.67	8332.66	8602.87
Total	30940.77	31040.74	31232.81	31332.79	31603.00

O&M Expenses

53. O & M expenses for 1 month as considered in order dated 6.7.2012 as stated under has been considered:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
O & M for 1 month	1274.00	1346.80	1423.80	1505.70	1591.80

54. Accordingly, SBI PLR of 12.25% has been considered for the purpose of calculating interest on working capital. The necessary computations in support of calculation of interest on working capital are as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Coal Stock- 2 month	23000.13	23000.13	23063.14	23000.13	23000.13
Oil stock-2 month	409.53	409.53	410.65	409.53	409.53
O&M expenses- 1 month	1274.00	1346.80	1423.80	1505.70	1591.80
Maintenance spares	3057.60	3232.32	3417.12	3613.68	3820.32
Receivables- 2 month	30940.77	31040.74	31232.81	31332.79	31603.00
Total Working Capital	58682.03	59029.52	59547.53	59,861.83	60424.78
Rate of Interest	12.2500%	12.2500%	12.2500%	12.2500%	12.2500%
Total Interest on Working capital	7188.55	7231.12	7294.57	7333.07	7402.04

Compensation Allowance

55. The Compensation Allowance as considered in order dated 6.7.2012 in Petition No. 255/2009 has been considered in this order.

Annual Fixed Charges for 2009-14

56. The annual fixed charges for the period 2009-14 in respect of the generating station are summarized as under:

	(₹ in lakh)				
	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	2398.97	2399.57	2387.54	2369.44	2380.09
Interest on Loan	126.19	2.83	0.00	0.00	0.00
Return on Equity	19974.99	19739.42	19492.41	19473.88	19919.35
Interest on Working Capital	7188.55	7231.12	7294.57	7333.07	7402.04
O&M Expenses	15288.00	16161.60	17085.60	18068.40	19101.60
Cost of Secondary Fuel Oil	2457.17	2457.17	2463.90	2457.17	2457.17
Compensation Allowance	210.00	252.00	294.00	294.00	357.00
Total	47643.87	48243.69	49018.03	49995.97	51617.24

Note: (1) All figures are on annualized basis. (2) All the figures under each head have been rounded. The figure in total column in each year is also rounded. Because of rounding of each figure the total may not be arithmetic sum of individual items in columns.

57. The annual fixed charges allowed as above are subject to truing up as per Regulation 6 (1) of the 2009 Tariff Regulations.

58. The difference in the annual fixed charges determined by order dated 6.7.2012 and those determined by this order shall be adjusted in accordance with Regulation 6 (6) of the 2009 Tariff Regulations.

59. Petition No. 260/GT/2013 is disposed of in terms of the above.

-S/d-
(A.K. Singhal)
Member

-S/d-
(Gireesh B. Pradhan)
Chairperson