

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 299/GT/2014**

Subject : Revision of tariff of National Capital Thermal Power Station, Stage-I (840 MW) for the period 2009-14 after truing up exercise.

Date of hearing : **14.6.2016**

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

Petitioner : NTPC

Respondents : UPPCL and 4 others

Parties present : Shri Ajay Dua, NTPC  
Shri Neeraj Kumar, NTPC  
Shri Nishant Gupta, NTPC  
Shri T. Vinod Kumar, NTPC  
Shri Bhupinder Kumar, NTPC  
Shri Rajeev Choudhary, NTPC  
Shri, R.B. Sharma, Advocate, BRPL  
Shri Manish Garg, UPPCL  
Shri Sameer Singh, BYPL  
Shri Shekhar Sakhani, BYPL  
Shri Kanishk, BRPL

**Record of Proceedings**

This petition has been filed by the petitioner, NTPC for approval of tariff of National Capital Thermal Power Station, Stage-I (840 MW) (generating station) for the period 2009-14 based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 ("the 2009 Tariff Regulations").

2. During the hearing, the representative for the petitioner made detailed submissions in the matter and submitted that the additional information sought for by the Commission has been filed and copies served on the respondents. The representative submitted that rejoinder to the reply filed by the respondent, UPPCL has been filed. He however prayed for grant of time to file its rejoinder to the reply filed by the respondent BRPL. Accordingly, the representative prayed that tariff of the generating station may be determined in terms of the 2009 Tariff Regulations.

3. The representative for the respondent, UPPCL submitted as under:

- (i) The claim of ₹68.5 lakh towards miscellaneous new works claimed under Regulation 9 (2) (viii) may not be allowed since the expenditure is in the nature of new work and not undischarged liability for works executed within the cut-off date.
- (ii) Petitioner may be directed to submit the reconciliation of capital liability along with the audited financial statement.
- (iii) Petitioner may be directed to serve the copy of the rejoinder filed against the reply.
- (iv) Reply filed in the matter may be considered.



4. The Commission directed the petitioner to handover the copy of the rejoinder filed.
5. The learned counsel for the respondent, BRPL submitted as under:
- (i) The submission in the matter is subject to the final outcome of the petition filed by BRPL in terms of the PPA from NTPC.
  - (ii) The claim of ₹10.33 lakh towards additional capitalization towards railway siding civil work is claimed under Regulation 9 (2) (i) of the 2009 Tariff Regulations. The additional capitalization claimed under Regulation 9 (2) (i) covers expenditure necessary to meet liabilities to met award of arbitration or for compliance of the order of the court. However, in the present case the arbitration is between M/s. Budhiraja Mining & Construction Limited and IRCON and not against the petitioner.
  - (iii) In terms of the judgment of the Hon'ble APTEL dated 22.3.2016 in Appeal No. 47 of 2014 (NTPC vs. CERC & others), it is observed that the initial spares are to be de-capitalized as the replaced initial spares are no more in use and have become unserviceable under proviso of Regulation 7 (1) (c) of the 2009 Tariff Regulations.
  - (iv) Reply filed in the matter may be considered.
6. The Commission after hearing the parties directed the petitioner to file its rejoinder to the reply of BRPL, if not already filed on or before 4.7.2016. Subject to above, order in the petition was reserved.

By Order of the Commission

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

