

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 168/GT/2013**

Subject: Direction of the Hon'ble High Court of Himachal Pradesh dated 29.2.2016 in Writ Petition No. 2355/2015 (Govt of HP Vs SJVNL) in the matter of tariff of Nathpa Jhakri Hydroelectric Project (6 x 250 MW) for the period 2009-14.

Date of Hearing: 11.3.2016

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

Parties Present: Shri M.G.Ramachandran, Advocate, SJVNL  
Ms. Anushree Bardhan, Advocate, SJVNL  
Shri Romesh Kapoor, SJVNL  
Shri Rajiv Aggarwal, SJVNL  
Shri Manish Mahajan, Govt. of H.P  
Shri Shanti Swaroop, Govt. of H.P  
Shri R.B.Sharma, Advocate, BRPL

**RECORD OF PROCEEDINGS**

Pursuant to the directions of the Hon'ble High Court of Himachal Pradesh dated 29.02.2016 in Writ Petition 2355/2015, the petition was listed for hearing the parties on the issue "*whether the tariff order dated 20.06.2014 in Petition No. 168/GT/2013 is final or provisional*".

2. During the hearing, the learned counsel for SJVNL submitted as under:
  - (i) By order dated 20.6.2014, the Commission had determined the final tariff of the generating station for the period from 1.4.2009 to 31.3.2014, considering the various components of tariff and based on the approved RCE-III by the Central Government.
  - (ii) The tariff order dated 20.6.2014 is an order under Regulation 5(1) read with Regulation 5(3) of the 2009 Tariff Regulations and is not a provisional tariff issued under Regulation 5(4)..
  - (iii) The determination of tariff in order dated 20.6.2014, subject to submission of RCE-IV which is pending, does not render the said order provisional, under Regulation 5(4) of the 2009 Tariff Regulations.
3. In response to the above, the representative of the Govt. of H.P. submitted as under:
  - (i) The tariff order 20.6.2014 is a provisional tariff order as the same subject to submission of RCE-IV by SJVNL, which is pending. The said tariff order dated 20.6.2014 has been issued only to address cash flow problems faced by SJVNL.
  - (ii) Some of the assets capitalized and put to use have not been allowed in order dated 20.6.2014 on the ground that the same are covered under RCE-IV;



(iii) In respect of the tariff period 2004-09, the additional capitalization for 2007-09 has also not been considered as the same is covered under RCE-IV pending for approval of Central Government.

(iv) The tariff order dated 20.6.2014 though issued under Regulation 5(3), cannot have retrospective operation as the same is subject to submission of RCE-IV and is provisional.

4. The learned counsel for BRPL submitted that it had paid the principal amount with interest pursuant to the tariff order dated 20.6.2014.

5. The Commission after hearing the parties, directed SJVNL and Govt. of H.P. to file their submissions on affidavit, on the said issue, on or before 18.3.2016. Subject to this, the findings of the Commission on this issue is reserved.

By order of the Commission

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

