

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 27/RP/2017

**In
Petition No. 255/GT/2014**

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Dr. M.K. Iyer, Member

Date of Order: 1.8.2017

In the matter of

Review of Commission's order dated 3.5.2017 in Petition No. 255/GT/2014 regarding approval of tariff of CFBC Technology based Barsingsar Thermal Power Plant (2 x 125 MW) of NLC Ltd for the period 2014-19

In the matter of

NLC India Limited,
Commercial Department,
Corporate office,
Neyveli- 607801

.....**Petitioner**

Vs

1. The Managing Director,
Jodhpur Vidyut Vitaran Nigam Ltd,
New Power House, Heavy Industrial Area,
Jodhpur- 342003

2. The Managing Director,
Jaipur Vidyut Vitaran Nigam Ltd,
Vidyut Bhawan, 1st floor, Janpath
Jaipur- 302005

3. The Managing Director,
Ajmer Vidyut Vitaran Nigam Ltd,
Old power House, Hathi Bhata,
Jaipur Road, Ajmer- 305001

4. The Chief Executive Officer,
Rajasthan Urja Vikas Nigam Ltd,
Shed no. 5/5, Vidyut Bhawan, Janpath
Jaipur- 302005

.....**Respondents**

Parties present:

Shri M.G.Ramachandran, Advocate, NLC



Interim Order

The petitioner, NLC India Ltd has filed this petition seeking review of Commission's order dated 3.5.2017 in Petition No. 255/GT/2014 regarding approval of tariff of Barsingsar Thermal Power Station (2 x 125 MW) for the period 2014-19.

2. Aggrieved by the said order dated 3.5.2017, the petitioner submitted that there are errors apparent on the face of the order and sought review on the following issues:

- a) *To take on record the review petition for fixation of tariff of NLC Barsingsar TPS for the period from 1.4.2014 to 31.3.2019;*
- b) *To approve Station Heat Rate at 2547.80 kcal/kwh as approved in Petition No. 197/GT/2013;*
- c) *To approve the Target Availability of 75% upto 31.3.2015 and 80% from 1.4.2015;*
- d) *To approve Interest on working capital by considering the landed price of primary fuel (inclusive of all statutory duties) instead of base rate; and*
- e) *To approve revised annual fixed charges on account of revision of Station Heat Rate, Target availability and Interest on working capital*

Condonation of delay

3. In its application, the petitioner has prayed for condonation of delay of 11 days in filing the review application. The petitioner has submitted that the delay was caused due to tracing the misplaced file during transit which was put up immediately on issue of order and then approval was obtained for draft of review petition along with the downloaded order. The petitioner has submitted that the delay is not intentional and tracing the file and re-processing for approval took major tally on stipulated period. Accordingly, the petitioner has prayed that in the interest of justice, the inevitable delay of 11 days beyond the stipulated period may be condoned.

4. The Commission by order dated 3.5.2017 had approved the tariff of the generating station for the period 2014-19 and the same was uploaded in the website of the Commission on 3.5.2017. The period of limitation for making an application for review is 45 days from the date of receipt of the order. However, the period could be extended or abridged by the Commission for "sufficient reason". The expression "sufficient reason" needs to be interpreted in the same



manner as the expression “sufficient cause” under Section 5 of the Limitation Act, 1963. The Commission under Regulation 116 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 is authorized to condone delay in appropriate cases, on the petitioner showing “sufficient reason”. We are also aware that a liberal approach needs to be adopted while considering such applications, to advance the cause of justice. In view of this, the prayer of the petitioner is accepted and the delay of 11 days in filing the review application is condoned.

5. Heard the representative of the petitioner on 'admission'. Admit and issue notice to the respondents.

6. The petitioner is directed to serve the copy of the review petition along with this order on the respondents by 4.8.2017. The respondents shall file their replies by 21.8.2017, with copy to the petitioner, who shall file its rejoinder, if any, by 28.8.2017. The parties shall ensure the completion of the pleadings within the due date mentioned and no extension of time shall be granted for any reason whatsoever.

7. Petition shall be listed for hearing on 5.9.2017.

-Sd/-
(Dr. M.K.Iyer)
Member

-Sd/-
(A. S. Bakshi)
Member

-Sd/-
(A. K. Singhal)
Member

-Sd/-
(Gireesh B. Pradhan)
Chairperson

