

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 107/GT/2016
with I.A. No. 63 of 2016**

**Coram:
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K Iyer, Member**

Date of Order: 3.1.2017

In the matter of

Approval of generation tariff for Teesta Low Dam Project, Stage-IV (4 x 40 MW) for the period from actual COD of Units - I & II and anticipated COD of Units - III & IV till 31.3.2019

And

In the matter of

Interlocutory Application seeking production of documents/ information

And

In the matter of

NHPC Limited,
NHPC Office Complex,
Sector-33, Faridabad

...Petitioner

Vs

West Bengal State Electricity Distribution Company Limited
Vidyut Bhawan (8th floor), Block – DJ
Sector-II, Salt Lake, Kolkata - 700091 (West Bengal)

...Respondents

Parties present:

For Petitioner:

Shri A.K. Pandey, NHPC
Shri Jay Kishore Prasad, NHPC

For Respondent:

Shri Avijeet Lala, Advocate, WBSEDCL
Ms. Molshree Bhatnagar, Advocate, WBSEDCL

ORDER

This petition has been filed by the petitioner, NHPC Ltd., for approval of tariff of Teesta Low Dam Project Stage-IV (4 x 40 MW) (hereinafter referred to as “the generating station”) from the date of commercial operation (COD) of Units - I & II and anticipated COD of Units - III & IV till



31.3.2019 in accordance with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 ('the 2014 Tariff Regulations').

2. The petitioner in the petition has submitted that the actual COD of Units-I & II is 11.3.2016 and 31.3.2016 respectively and Units III and IV of the generating station is expected to achieve commercial operation by 30.6.2016 and 30.9.2016 respectively. Accordingly, the petitioner has prayed that the Commission may consider the grant of provisional tariff in order to bill the respondents for supply of power made to them.

3. Thereafter, the Commission by order dated 8.11.2016 granted interim tariff for the generating station for the period from 11.3.2016 (COD of Unit-I) till 31.3.2018 based on the original sanctioned cost of ₹106138.00 lakh as under:

	(₹ in lakh)					
	11.3.2016 to 30.3.2016	31.3.2016	1.4.2016 to 29.6.2016	30.6.2016 to 29.9.2016	30.9.2016 to 31.3.2017	1.4.2017 to 31.3.2018
Return on equity	80.45	8.06	725.60	1160.68	3235.59	6585.42
Interest on loan	95.12	9.52	732.74	1087.75	3035.45	6007.98
Depreciation	35.86	3.29	296.32	474.00	1321.36	2689.38
Interest on Working Capital	2.15	0.18	29.12	45.27	177.93	599.73
O & M Expenses	57.50	5.75	518.92	795.67	2110.26	4488.48
Total	268.07	26.81	2302.70	3563.38	9880.60	20370.99

4. The interim tariff granted as above is subject to adjustment after determination of final tariff of the generating station for the period 2015-19 based on the Revised Cost Estimates (RCE) approved by the Central Government.

5. While so, the respondent WBSEDCL, has filed this Interlocutory Application seeking production and submission of certain documents/ information from the petitioner, on the ground that it is sole beneficiary of the generating station and that these documents are material and relevant in order to ascertain the prudence of the investments made by petitioner for construction of the generating station and/ or ability of petitioner to undertake appropriate measures to mitigate damages/ delays. Accordingly, the learned counsel for the respondent during the hearing submitted that the petitioner may be directed to file the additional documents/ information as sought for by the respondent, prior to the determination of tariff of the generating station.



6. The representative of the petitioner submitted that certain documents like DPR of the project etc. had been made available to the respondent. He further submitted that the petitioner would require some more time limit to examine the availability of the remaining documents/information sought for by the respondent. The representative however, submitted that the RCE is pending for approval of the Central Government and the report of the vetting of capital cost is yet to be finalized by the Designated Independent Authority (DIA) for submission to the Commission. He added that since Units (III & IV) of the generating station have also achieved COD, the tariff petition along with the filing forms are required to be amended.

7. Keeping in view the submission of the petitioner that RCE and DIA report may take some more time and considering the fact that the petition along with tariff filling forms is required to be amended based on the actual COD of the Units III & IV, we find no reason to keep the petition pending. Accordingly, we are inclined to dispose of the petition with the direction to the petitioner to file fresh tariff petition based on actual COD of the Units along with the DIA report and the approved RCE. While doing so, the petitioner shall also take into consideration the documents/information sought for by the respondent, WBSEDCL in the said IA. We order accordingly.

8. We further direct that the interim tariff granted vide order dated 8.11.2016 shall continue to be in operation until further orders or till the determination of final tariff. The filling fees deposited by the petitioner in this petition shall however be adjusted against the fresh petition to be filed in terms of the above directions.

9. Petition Nos. 107/GT/2016 alongwith I.A. 63 of 2016 is disposed of as above.

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

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

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

