

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 115/MP/2018

Subject : Petition under Section 79 (1)(a) and (f) and other applicable provisions of the Electricity Act, 2003 read with Regulations 110 and 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking adjudication of dispute between the Petitioner and Respondent NTPC Ltd. regarding excess recovery of Annual Fixed Costs for various generating stations of the Respondent during financial year 2014-19.

Date of Hearing : 25.7.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Dr. M.K. Iyer, Member

Petitioner : Tata Power Delhi Distribution Limited (TPDDL)

Respondent : NTPC Limited

Parties present : Shri Buddy A. Ranganadhan, Advocate, TPDDL
Shri Raunak Jain, Advocate, TPDDL
Shri Vishwendra Tomar, Advocate, TPDDL
Shri Uttam Kumar, TPDDL
Shri Anurag Bansal, TPDDL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Anushree Bardhan, Advocate, NTPC
Shri Shubham Arya, Advocate, NTPC
Shri Nishant Gupta, NTPC
Shri Rohit Ladha, NTPC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed for seeking adjudication of dispute between the Petitioner and NTPC Limited regarding excess recovery of Annual Fixed Costs for various generating stations of the respondent during the tariff period 2014-19. Learned counsel for the Petitioner requested the Commission to clarify that the formula laid down by the Commission in its order dated 28.7.2016 in Petition No. 290/GT/2014 for the calculation of GCV of coal on “as billed” basis with adjustment of moisture, is only an interim arrangement and the Commission shall re-fix the AFC of the respondent in future based on “as received” GCV of coal in order to facilitate refund of excess billing of AFC by NTPC to the beneficiaries including the Petitioner.

2. Learned counsel accepted notice on behalf of NTPC Ltd and submitted that the Commission has already dealt with the similar issue in Petition No. 93/MP/2017.

3. After hearing the learned counsels for the Petitioner and NTPC Ltd., the Commission admitted the petition and directed to issue notice to the respondent.

4. The Commission directed the Petitioner to serve copy of the petition on the respondent immediately, if not served already. The respondent was directed to file its reply, by 13.8.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 30.8.2018. The Commission directed that due date of filing the reply and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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