

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Review Petition No. 12/RP/2019
In 102/TT/2018

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

Date of Order: 23.09.2019

In the matter of:

Petition for review and modification of the order dated 2.5.2019 in Petition No. 102/TT/2018.

And in the matter of:

NTPC Limited NTPC Bhawan,
SCOPE Complex, Institutional Area,
Lodhi Road, New Delhi – 110003

... Review Petitioner

Vs.

1. Essar Power Transmission Company Limited Lower Ground Floor,
Hotel Treebo Conclave Riviera A-20,
Kailash Colony, New Delhi 110048.
2. Essar Steel India Limited
27th KM on Surat-Hazira Road,
Hazira, District-Surat -394270.
3. Energy Department
Government of Madhya Pradesh
Mantralaya 435, Vallabh Bhavan,
Bhopal 462004.
4. Essar Power M.P Limited
11th Floor, 11 KK Marg,
Opp Racecourse,
Mahalaxmi, Mumbai - 400 034
Maharashtra.
5. Power Grid Corporation of India Limited
Saudamini, Plot No.2, Sector 29,
Near IFFCO Chowk
Gurgaon (Haryana) -122001.



6. Western Regional Power Committee
F-3, MIDC Area, Marol, Opp. SEEPZ,
Central Road, Andheri (East),
Mumbai - 400093.
7. Power Systems Operation Corporation Limited
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi-110016.

... Respondents

Petitioner: Shri Gopal Jain, Sr. Advocate, NTPC
Shri Avjeet Lala, Advocate, NTPC
Ms. Shikha Pandey, Advocate, NTPC
Ms. Meha Chandra, NTPC, Advocate
Shri Rajesh Jain, NTPC,
Shri P. Piyush, NTPC
Shri A.S Pandey, NTPC

Respondents: None

Order

The instant Review Petition is filed by NTPC Ltd. seeking review and modification of the order dated 2.5.2019 passed in Petition No. 102/TT/2018.

Background

2. Essar Power Transmission Company Limited. ("EPTCL") filed petition No. 102/TT/2018 for determination of transmission tariff of two bays at Gandhar Switchyard owned by NTPC for the period i.e. 23.2.2013 to 31.3.2019 under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "2009 Tariff Regulations") and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations,



2014 (hereinafter referred to as “2014 Tariff Regulations”) for respective tariff periods. The Commission while allowing the transmission charges for the instant bays in order dated 2.5.2019 restricted the capital cost to the approved cost and disallowed the additional capital expenditure amounting to ₹19.69 lakh during 2013-14. Aggrieved by this disallowance, the Review Petitioner has filed the instant Review Petition.

3. The Review Petitioner has submitted that the Sub-Committee of the Board of Directors of NTPC approved the cost of the instant bays at Gandhar Switchyard of NTPC as ₹1416.03 lakh exclusive of all taxes, duties and levies applicable on direct transaction between ABB and NTPC but inclusive of Service Tax and cess. Later, as per the directions of the Commission, EPTCL filed Form-5B in the main petition giving the break-up of the actual capital cost of ₹1409.07, which includes the taxes and duties of ₹28.02 lakh. Accordingly, the capital cost after excluding taxes and duties and inclusion of additional capital expenditure of ₹26.65 lakh during 2013-14 is ₹1407.70 lakh which is below the approved cost of ₹1416.03 lakh. The Review Petitioner has submitted that this break-up submitted by EPTCL was not considered by the Commission in order 2.5.2019 and it is an error apparent on the face of record which requires to be rectified. The Review Petitioner has also prayed for allowing



the whole additional capital expenditure during 2013-14 and to consider the capital cost of ₹1435.72 as on 31.3.2014 for computation of tariff.

4. During the hearing on 16.9.2019, the representative of the Review Petitioner submitted that ₹28.02 lakh was paid towards taxes and duties and the same was not considered in the order dated 2.5.2019 and non-consideration of the same is an error apparent and requested to modify the order dated 2.5.2019 by revising the capital cost accordingly.

5. We have considered the submissions of the Review Petitioner. We admit the Review Petition and direct to issue notice to the respondents.

6. The Respondents are directed to submit their reply by 18.10.2019 and the Review Petitioner is directed to submit its rejoinder, if any, 28.10.2019. The parties to comply with the directions with the specified timeline and no extension of time shall be granted.

7. The review petition shall be listed for hearing in due course of time, for which separate notice will be issued.

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

sd/-
(P.K. Pujari)
Chairperson

