

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.3/RP/2020
along with IA No.36/IA/2020
in
Petition No. 309/GT/2015**

Coram:

**Shri P.K. Pujari, Chairperson
Shri I.S. Jha, Member
Shri Arun Goyal, Member**

Date of order: 10th July, 2020

In the matter of

Petition seeking review of Commission's order dated 19.11.2019 in Petition No. 309/GT/2015 pertaining to revision of tariff of Pragati-III Combined Cycle Power Station (1371.2 MW) for the period from COD of GT-1 to 31.3.2014 after truing up exercise.

And

In the matter of

Pragati Power Corporation Limited
Himadri, Corporate Office,
Rajghat Power House Complex,
New Delhi- 110 002

...Petitioner

Vs

1. BSES Yamuna Power Ltd
Shakti Kiran Building, Karkardooma,
Delhi- 110 092

2. New Delhi Municipal Council
Regd. Office: Palika Kendra, Sansad Marg,
New Delhi- 110 001

3. Tata Power Delhi Distribution Ltd
33 kV Substation, Hudson Line,
Kingsway Camp, Delhi-110 009

4. BSES Rajdhani Power Ltd
BSES Bhawan, Nehru Place,
New Delhi- 110 019

5. Punjab State Power Corporation Limited
The Mall, Patiala- 147 001



6. Haryana Power Purchase Centre
Shakti Bhawan, Sector-VI,
Panchkula, Haryana-134 109

7. Military Engineering Services,
Gopinath Market, Delhi Cantonment- 110 010

.....Respondents

Parties present:

Shri M.G.Ramachandran, Senior Advocate, PPCL
Ms. Poorva Saigal, Advocate, PPCL

INTERIM ORDER

The Petitioner, Pragati Power Corporation Limited (PPCL), has filed this Review Petition against the Commission's order dated 19.11.2019 in Petition No. 309/GT/2015 whereby the tariff of Pragati-III Combined Cycle Power Station (1371.2 MW) (referred to as 'the generating station') was revised for the period from COD of GT-1 to 31.3.2014 after truing up exercise in terms of Regulation 6 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 Tariff Regulations").

2. Aggrieved by the said order dated 19.11.2019, the Petitioner has sought review on the ground that there are errors apparent on the face of the order, raising the following issues:

(i) Arithmetical/Typographical error in estimation of the total Capital Cost, as determined by the Commission in Para 34 of the Impugned Order;

(ii) Non-consideration of fuel charges as per Regulation 18(2) of the Tariff Regulations, 2009;

(iii) Non-consideration of the cost of one full module and GT-4 while calculating the working capital for the period from 27.02.2014 to 31.03.2014;

(iv) Typographical and estimation error in arriving fixed component of receivables of the working capital in table of Para-46 for the period from 2011-12 till 2013-14; and

(v) Disallowance of the Normative Interest During Construction ('IDC') on the actual cash flow even upto the Scheduled Commercial Operation Date ('SCOD') in Para 27 and 28 of the Order.



3. The Commission heard the learned Senior counsel for the Petitioner on 'admission' through Video Conferencing on 25.6.2020. The delay in filing the review petition is condoned and IA (36/IA/2020) is disposed of accordingly. Review Petition is admitted on the issues mentioned above. The Commission directed to issue notice to the Respondents.

4. The learned Senior counsel for the Petitioner pointed out that in terms of the directions contained in Paragraph 48 of the Order dated 19.11.2019, the differential tariff amount is refundable to the Respondents in six monthly installments, starting three months from the date of the order works out to Rs.177.01 lakh along with carrying cost. He, however, submitted that if the inadvertent typographical/estimation errors as pointed out in this review petition are corrected, there will not be any over-recovery and instead, there will be an under-recovery by the Petitioner to the tune of Rs.1948.56 lakh for the said period. The learned Senior Counsel accordingly prayed that the Commission may stay the implementation of the directions contained in Para 48 of the Order dated 19.11.2019, pending outcome of this Review Petition. Considering the submissions of the learned Senior Counsel for the Petitioner, the Commission directed that the parties shall maintain status quo with regard to the directions contained in Para 48 of the Order dated 19.11.2019 pertaining to adjustment of differential tariff amounts in terms of Regulation 6(6) of the 2009 Tariff Regulations, pending disposal of this review petition.

5. The Petitioner is directed to serve the copy of the Review Petition along with this order on the Respondents by **14.7.2020**. The Respondents shall file their replies on or before **21.7.2020**, with advance copy to the Petitioner, who shall file its rejoinder, if



any, by **31.7.2020**. The parties shall ensure strict compliance of the due date mentioned above for filing of reply/rejoinder.

6. Matter shall be listed for hearing in due course for which separate notice will be issued to the parties.

**Sd/
(Arun Goyal)
Member**

**Sd/
(I.S. Jha)
Member**

**Sd/
(P.K. Pujari)
Chairperson**

