

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Interlocutory Application Nos.39/IA/2020 & 40/IA/2020

in

Suo Motu Petition No. 7/SM/2020

Coram:

Shri P.K. Pujari, Chairperson

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Date of Order: 6th July, 2020

In the matter of

Interlocutory Applications for extension of time to file petitions for determination of tariff in case of existing generating stations/units by relaxation of Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019

And

In the matter of

NHPC Ltd
NHPC Office Complex,
Sector-33, Faridabad,
Haryana-121003

....IA No.39/IA/2020

AND

Teesta Urja Ltd
2nd Floor, Vijaya Building,
17, Barakhamba Road,
New Delhi-110001

....IA No.40/IA/2020

ORDER

Regulation 9(2) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (hereinafter referred to as 'the 2019 Tariff Regulations') provides as under:-

"9. Application for determination of tariff

(1) xxxx



(2) In case of an existing generating station or unit thereof, or transmission system or element thereof, the application shall be made by the generating company or the transmission licensee, as the case may be, by 31.10.2019, based on admitted capital cost including additional capital expenditure already admitted and incurred up to 31.3.2019 (either based on actual or projected additional capital expenditure) and estimated additional capital expenditure for the respective years of the tariff period 2019-24 along with the true up petition for the period 2014-19 in accordance with the CERC (Terms and Conditions of Tariff) Regulations, 2014.

2. In terms of the above provision, an application for determination of tariff of an existing generating station or unit thereof or a transmission system or element thereof for the period 2019-24, is required to be filed by 31.10.2019, along with the true-up petitions for the period 2014-19.

3. Subsequently, in Petition No.331/MP/2019 filed by PGCIL, the Commission by order its Order dated 28.10.2019 permitted the generating companies and the transmission licensees to file tariff petitions for the period 2019-24 along with the truing up petitions for the period 2014-19, within three months from the date of issue of the final order for the period 2014-19.

4. Thereafter, the Petitioner and NTPC had sought extension of time to file tariff petitions for the period 2019-24 along with truing up petitions for 2014-19 period in respect of their projects and the Commission vide its order dated 6.4.2020 in Petition No. 7/SM/2020, granted time till 30.6.2020 to file the said petitions by relaxation of Regulation 9(2) of the 2019 Tariff Regulations. The relevant portion of the order is extracted hereunder:

“8. Accordingly, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, we relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations and permit the generating companies to file the tariff petitions for 2019-24 period along with truing up petitions for 2014-19 period, by 30.6.2020, where tariff orders for 2014-19 have been issued. The applicable fees shall be governed by the provisions of Regulation 3(1) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.”



5. The above order was made applicable to the transmission licensees, including deemed transmission licensees regulated by this Commission vide Addendum order dated 7.4.2020.

Interlocutory Applications (IA)

6. NHPC has filed IA No. 39/IA/2020 and has submitted that in respect of some of its hydro generating stations namely, Teesta Low Dam-III, Chamera-III, Uri-II and Sewa-II, the tariff petitions have been prepared and internal vetting has also been completed. NHPC has, however, submitted that due to extension of lockdown period till 31.5.2020 for containing the spread of COVID-19, increasing cases of COVID-19 in Delhi NCR area and lockdown still continuing in the containment zones, NHPC is facing acute problem in getting the tariff forms audited by the Statutory Auditors. In this backdrop, NHPC has requested that the Commission to grant extension of time up to 30.9.2020 to file tariff petitions in respect of the above said hydro generating stations for the 2019-24 period along with truing up of tariff for 2014-19 period, in exercise of the power to relax under Regulation 76 of the 2019 Tariff Regulations.

7. Teesta Urja Ltd (TUL) has filed IA No. 40/IA/2020 and has submitted that the lockdown due to COVID-19 pandemic was further extended by the Government of India beyond the initial period of 21 days and the lifting of lockdown has started in a phased manner only from 1.6.2020. Due to the above situation, some of the officers and staff of TUL had to work from home and made it difficult for them to physically access the voluminous records and compile the required information from its lenders etc. TUL has further stated that after the completion of the tariff filing forms, the same are required to be reviewed by the Auditors and thereafter,



TUL would be in a position to file the tariff petitions. In this backdrop, TUL has prayed that the Commission may grant extension of time up to 30.9.2020 for filing the tariff petition for the 2019-24 period along with truing-up petition for 2014-19 period in respect of Teesta-III HEP (1200 MW).

8. Keeping in view the unprecedented measures taken by the Government of India to contain the spread of COVID-19 pandemic and the difficulties being faced by the generating companies in filing tariff petitions, we, in exercise of the power under Regulation 76 of the 2019 Tariff Regulations, relax the provisions of Regulation 9(2) of the 2019 Tariff Regulations and grant extension of time till 30.9.2020 for these generating companies to file tariff petitions for 2019-24 period along with truing-up petitions for 2014-19 period. The applicable fees shall be governed by the provisions of Regulation 3(1) of the Central Electricity Regulatory Commission (Payment of Fees) Regulations, 2012.

9. IA No. 39/2020 & IA No. 40/2020 in Petition No. 7/SM/2020 are disposed of in terms of the above.

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha)
Member

Sd/-
(P. K. Pujari)
Chairperson

