

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 130/GT/2014

Subject : Petition for approval of tariff of Barh Super Thermal Power Station Stage-II for the period from anticipated date of commercial operation of 1st Unit (Unit-IV) to 31.3.2019.

Petitioner : NTPC Limited

Respondents : South Bihar Power Distribution Company Limited & 4 ors

Date of Hearing : **26.3.2021**

Coram : Shri P.K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Parties present : Shri M.G. Ramachandran, Sr. Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC
Shri Rohit Chabra, NTPC
Shri Uma Shankar Mohanty, NTPC
Shri R.K. Mehta, Advocate, GRIDCO
Shri Madhusudan Sahoo, GRIDCO
Shri Shashwat Kumar, Advocate, BSPHCL
Shri Rahul Chouhan, Advocate, BSPHCL
Shri Zafir Ahmed, BSPHCL

RECORD OF PROCEEDINGS

Case was called out for virtual hearing.

2. At the outset, the learned counsel for the Respondent GRIDCO submitted that against the Commission's interim order dated 18.3.2019 in Petition No. 130/GT/2014, appeal (Appeal No. 113/2019) was filed before APTEL by the Respondent and APTEL vide its judgment dated 15.10.2020 had affirmed the Commission's order dated 18.3.2019. He also submitted that against APTEL judgment dated 15.10.2020, the Respondent filed Civil Appeal (C. A. No. 395/2021) before the Hon'ble Supreme Court and the Hon'ble Court vide its interim order dated 1.3.2021 has stayed the operation of the APTEL judgment dated 15.10.2020. The learned counsel further submitted that since the amended tariff petition filed by the Petitioner was pursuant to the Commission's order dated 18.3.2019, which has been stayed by order dated 1.3.2021, the hearing of the petition may be adjourned till the disposal of the said Civil Appeal.



3. On a specific query by the Commission as to the nature of reliefs sought for in the civil appeal, the learned counsel for the Respondent GRIDCO clarified that the issue raised in the Civil Appeal related to adjustment of the revenue earned from sale of infirm power for the period from 15.11.2014 till 7.3.2016, in the capital cost of the project. He further stated that the said issue will have a substantial bearing in the determination of tariff of the project. The learned Senior Counsel for the Petitioner agreed with the said submissions.

4. In terms of the interim order dated 1.3.2021 of the Hon'ble Supreme Court and based on the submissions of the parties, the Commission adjourned the hearing of the petition, till final disposal of the Civil Appeal No. 395/2021 by the Hon'ble Supreme Court. In the meanwhile, the Petitioner was directed to file details of the actual expenditure incurred for the period from COD till 31.3.2019 along with tariff filing forms in terms of the Tariff Regulations, for the purpose of determination of tariff of the generating station.

By order of the Commission

Sd/-
(B.Sreekumar)
Joint Chief (Law)

