

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 23/GT/2017**

Subject : Petition for approval of tariff of Nabinagar Thermal Power Project (1000 MW) for the period from anticipated Date of Commercial Operation of Unit-1 to 31.3.2019.

Petitioner : Bhartiya Rail Bijlee Company Limited

Respondents : East Central Railway & 2 others

**Petition No.333/MP/2018**

Subject: Petition under Section 79(1)(f) of the Electricity Act, 2003 read with Regulations 6.3 A and 6.3 B of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 regarding the validity of the Commercial Operations Date of Units I and II of its generating station as declared by Bhartiya Rail Bijlee Company Limited.

Petitioner : East Central Railway

Respondents : Bhartiya Rail Bijlee Company Limited & 4 others

Date of Hearing : **25.5.2021**

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

Parties present : Ms. Swapna Seshadri, Advocate, BRBCL  
Shri Anand K. Ganesan, Advocate, BRBCL  
Ms Ritu Apurva, Advocate, BRBCL  
Shri. Sitesh Mukherjee, Advocate, ECR  
Shri. Deep Rao Palepu, Advocate, ECR  
Ms. Harneet Kaur, Advocate, ECR  
Shri. Arjun Agarwal, Advocate, ECR  
Shri. Rajnish Goyal, NTPC  
Shri. Shashwat Kumar, Advocate, NBPDC & SBPDCL  
Shri. Rahul Chouhan, Advocate, NBPDC & SBPDCL  
Shri. Nadim Ahmad, ERLDC  
Ms. Shabari Pramanick, ERLDC

## **Record of Proceedings**

Case was called out for virtual hearing.

2. At the outset, the learned counsel for the ECR (East Central Railway) submitted that ECR may be permitted to make comprehensive submissions in both the petitions, after the submissions of the learned counsel for the Petitioner (BRBCL) in Petition No.23/GT/2017 is complete. The learned counsel for BRBCL prayed that it may be permitted to make submissions after the same. This was agreed to by the Commission.

### **Petition No. 23/GT/2017**

3. The learned counsel for the Petitioner, BRBCL referred to the petition and made detailed oral submissions in the matter. She also submitted that since the Respondent ECR has filed its written submissions and served copy of the same to the Petitioner on 24.5.2021, the Petitioner may also be granted three weeks' time to file its written submissions in the matter. The learned counsel for Respondent, ECR clarified that the Respondent has filed an *aide memoire*, in support of its oral submissions in these matters and the same was served on the Petitioner on 24.5.2021. He, however, did not object to the Petitioner being granted time to file its written submissions in the matter.

### **Petition No. 333/MP/2018**

4. The learned counsel for the Petitioner, ECR (Respondent in Petition No.23/GT/2017), referred to the *aide memoire* and made detailed oral submissions in both the Petitions. The learned counsel for the Respondent, BRBCL (Petitioner in 23/GT/2017) referred to its rejoinder and made elaborate submissions. She, however, submitted that the learned counsel for the Petitioner, ECR may be directed to serve copies of the judgments referred in its *aide memoire*, to enable the Respondent BRBCL, to file its written submissions. The Commission directed the learned counsel for the Petitioner ECR to upload the copy of the judgments referred in the *aide memoire*, with copy to the Respondent BRBCL. This was agreed to by the learned counsel for the Respondent, ECR.

5. The learned counsel for the Petitioner, ECR prayed that in Petition No. 338/MP/2018, it may be permitted to file a short rejoinder on the COD data, within two weeks.

6. The learned counsel for Respondents, Bihar discoms adopted the submissions of the learned counsel for ECR in both the Petitions. He also submitted that the reply filed by the Respondent Bihar discoms may be considered, while disposing of the said petitions.

7. The Commission after hearing the parties directed the Petitioner BRBCL (in Petition No.23/GT/2017), to furnish the following additional information, with advance copy to the Respondents, on or before 22.6.2021:

- a) *Breakup of the actual O&M expenses of the generating station for the period from COD of the Unit-I to 31.3.2019 tariff period, under various sub-heads (as per **Annexure-A** enclosed) after including the pay revision impact (employees, and Security personnel, as applicable/claimed) (in both MS Excel and PDF format);*
- b) *Break-up of the actual O&M expenses of Corporate Centre/other offices including pay revision impact (as per **Annexure-B** enclosed) of the generating station for the 2014-19 tariff period along with the allocation of total O&M expenses to the various generating stations which are under construction, operational stations and any other offices/business activity along with basis of allocating such expenditure (in both MS Excel and PDF format);*
- c) *Break-up of the pay revision impact claimed in respect of employees of the Petitioner & Security Personnel stationed at the generating station and Corporate Centre/other offices employee cost allocated to the generating station (as per **Annexure-C** enclosed)*
- d) *A Comparative table indicating the actual O&M expenses incurred versus the normative O&M expenses allowable/allowed to the generating station from COD of the Unit-I to 31.3.2019.*

8. The Respondents (in Petition No.23/GT/2017) are directed to furnish their replies to the above on or before 5.7.2021, with advance copy to the Petitioner, BRBCL who shall file its rejoinder, if any, by 12.7.2021.

9. The Petitioner, ECR (in Petition No 333/MP/2018) is permitted to file its short rejoinder on the COD data by 22.6.2021, with copy to the Respondent BRBCL and other respondents, who shall file its written submissions, on or before 12.7.2021. Subject to this, order in both these petitions was reserved.

**By order of the Commission**

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

## Annexure A

Details of actual O&M expenses (Common for Hydro /Thermal Generating						
Amount (₹ in lakh)						
Sl. No.	Items	2014-15	2015-16	2016-17	2017-18	2018-19
1	Consumption of stores & spares					
2	Repair & Maintenance					
3	Insurance					
4	Security					
5	Water Charges					
6	Administrative Expenses					
6.1	Rent					
6.2	Electricity charges					
6.3	Travelling & Conveyance					
6.4	Communication Expenses					
6.5	Advertising					
6.6	Foundation Laying & Inaugration					
6.7	Donation					
6.8	Entertainment					
6.9	Filing fee					
	<b>Subtotal Administrative Expenses</b>					
7.0	Employee Cost					
7.1.1	Salaries, Wages & Allowances					
7.1.2	Pension					
7.1.3	Gratuity					
7.1.4	Provident Fund					
7.1.5	Leave Encashment					
7.2	Staff welfare expenses					
7.2.1	-Medical expenses on superannuated employees					
7.2.2	-Medical expenses on regular employees & others					
7.2.3	-Uniform/Livries & safety equipment					
7.2.4	-Canteen expenses					
7.2.5	-Other staff welfare expenses					
	Subtotal (Staff welfare Expenses)					
7.3	Productivity linked Incentive					
7.4	Expenditure on VRS					
7.5	Ex-gratia					
7.6	Performance Related Pay (PRP)					
	Sub Total (Employee Cost)					
8	Loss of Store					
9	Provisions					
10	Prior Period Expenses					
11	Corporate Office expenses allocation					
12	Others					
12.1	Rates & Taxes					
12.2	Water cess					
12.3	Training & recruitment expenses					
12.4	Tender Expenses					
12.5	Guest house expenses					
12.6	Education expenses					
12.7	Community Development Expenses					
12.8	Ash utilisation expenses					
12.9	Books & Periodicals					
12.10	Professional Charges					

Details of actual O&M expenses (Common for Hydro /Thermal Generating)						
Amount (₹ in lakh)						
Sl. No.	Items	2014-15	2015-16	2016-17	2017-18	2018-19
12.11	Legal expenses					
12.12	EDP Hire & other charges					
12.13	Printing & Stationery					
12.14	RLDC Fee & Charges					
12.15	Brokerage & Commission					
12.16	Bank charges					
12.17	Claims/advances written off					
12.18	Hiring of vehicle					
12.19	Payment to auditors					
12.20	Misc. Expenses					
	(Break-up Of Misc.)					

## Annexure B

DETAILS OF CORPORATE CENTRE EXPENSES ALLOCATED TO VARIOUS OPERATING STATIONS						
		<i>Amount (₹ in lakh)</i>				
	PARTICULARS/YEAR	2014-15	2015-16	2016-17	2017-18	2018-19
	Total Expenses of CC & RHQs-(A)					
	Transferred to Construction Projects -(B)					
	Transferred to any other business activity - (C)					
	Expenses related to stations under operation <b>(D)=(A)-(B)- (C)</b>					
	<b>Head Wise Details of D</b>					
1	<b>Employee Expenses</b>					
A	Salaries, Wages and Allowance					
B	Staff Welfare Expenses					
C	Productivity Linked Incentive					
D	Expenditure on VRS					
E	Ex-Gratia					
2	<b>Administrative Expenses</b>					
A	Repair and maintenance					
B	Training and Recruitment					
C	Communication					
D	Travelling and Conveyance					
E	Rent					
F	Others -Break Up as per details given below:					
f-1	Advertisement and publicity					
f-2	Books & Periodicals					
f-3	EDP Hire and other charges					
f-4	Education expenses					
f-5	Ent. and hospitality					
f-6	Fin Expenses-IndAS					
f-7	Guest house expenses					
f-8	Hiring of Vehicles					
f-9	Insurance					
f-10	Legal Expenses					
f-11	Miscellaneous Expenses					
f-12	Community develop. Exp.					
f-13	Others.					
f-14	Payment to auditors					
f-15	Power Charges					
f-16	Printing and Stationery					
f-17	Prof chg & cons fees					
f-18	R&D EXPS					
f-19	Rates and taxes					
f-20	Tender expenses					
f-21	Trpt Veh running Exp.					
f-22	Water charges					
f-23	Workshop & Conf. Exp.					
	<b>Sub Total (Administrative Expenses)</b>					
3	Security					
4	Donations					
5	Provisions					
6	Depreciation					
7	Prior period expenses					
8	Total Expenses from 1-7					

DETAILS OF CORPORATE CENTRE EXPENSES ALLOCATED TO VARIOUS OPERATING STATIONS						
						<i>Amount (₹ in lakh)</i>
	PARTICULARS/YEAR	2014-15	2015-16	2016-17	2017-18	2018-19
	Less Recoveries (if any)					
9	Expenses related to Operation - D					
	<b>ALLOCATION TO OPERATIONAL STATIONS</b>					
S.No	Name of The Unit/Station					
	<b>Operational Station (1)</b>					
	<b>Operational Station (2)</b>					

**FORMAT FOR CLAIMING WAGE REVISION IMPACT**  
**YEARWISE IMPACT OF REVISION IN SALARIES**

1. **Wage revision impact on employee cost of generating station**

Component	2016-17			2017-18			2018-19		
	Pre Revised	Post Revision	Wage revision Impact	Pre Revised	Post Revision	Wage revision Impact	Pre Revised	Post Revision	Wage revision Impact
1.1 Basic Pay									
1.2 Dearness Allowance									
1.3 HRA									
1.4 Allowances & Perquisites									
1.5 PRP/Ex Gratia									
2.1 Super Annuation Benefits (PF, Pension & )									
2.2 Gratuity									
2.3 Leave encashment (HPL/EL)									
Total									
Less: EDC									
Net employee cost									

**Wage revision impact on Corporate Centre cost of generating station**

Component	2016-17			2017-18			2018-19		
	Pre Revised	Post Revision	Wage revision Impact	Pre Revised	Post Revision	Wage revision Impact	Pre Revised	Post Revision	Wage revision Impact
CC Expenses									
1.1 Basic Pay									
1.2 Dearness Allowance									
1.3 HRA									
1.4 Allowances & Perquisites									
1.5 PRP/Ex Gratia									
Total									