

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 472/GT/2014**

Subject : Petition for truing up of capital expenditure and tariff of NLC TPS-I(600) MW for the period 1.4.2009 to 31.3.2014.

**Petition No. 474/GT/2014**

Subject : Petition for truing up of capital expenditure and tariff of NLC TPS-IExpansion (420 MW) for the period 1.4.2009 to 31.3.2014.

Petitioner : NLC India Limited

Respondents : TANGEDCO & 8 ors

Date of hearing : **13.4.2021**

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, Senior Advocate, NLCIL  
Ms. Anushree Bardhan, Advocate, NLCIL  
Ms. Tanya Sareen, Advocate, NLCIL  
Shri Anil Kumar Sahni, Advocate, NLCIL  
Shri Vinodh Kanna, Advocate, TANGEDCO  
Ms. R. Ramalakshmi, TANGEDCO  
Dr. R. Alamelu, TANGEDCO

**Record of Proceedings**

These Petitions were called out for virtual hearing.

2. During the hearing, the learned Senior counsel for the Petitioner submitted that the Appellate Tribunal for Electricity (APTEL) vide its judgment dated 28.5.2020 has remanded these matters to the Commission, to consider the actual secondary fuel oil consumption in the computation of energy charges, based on the data to be furnished by the Petitioner. He also submitted that in terms of the directions of the Commission vide ROP of the hearing dated 13.8.2020, the Petitioner vide affidavit dated 3.9.2020 has placed on record the actual secondary fuel oil consumed on monthly basis, for the 2009-14 tariff period, as against the normative figure of 2 ml/kWh allowed towards secondary fuel oil as per Regulation 26(iii)(b)(i) of the 2009 Tariff Regulations. The learned Senior Counsel prayed that these petitions may be disposed of accordingly.



3. The learned counsel for the Respondent, TANGEDCO submitted that the details of the actual increase in the consumption of primary fuel (lignite) for the entire tariff period, owing to usage of lesser oil has not been furnished by the Petitioner. He also submitted that the Petitioner's claim for 'interest' is not maintainable since (i) the issue involved is not related to truing up and is of miscellaneous nature and (ii) the APTEL in its judgment had not approved the recovery of dues with interest. (*Commission's order dated 30.8.2016 in Petition No. 17/MP/2016 was referred to*).

4. In response, the learned Senior Counsel for the Petitioner clarified that the claim of the Petitioner for Rs.10.60 crore (approx.) along with interest, submitted vide affidavit dated 3.9.2020, is in accordance with the directions of APTEL in its judgment dated 28.5.2020. He also submitted that since these petitions relate to the truing-up of tariff of the generating stations for the 2009-14 tariff period, the Petitioner is entitled to recovery of dues with interest in terms of the 2009 Tariff Regulations. He also submitted that the Commission's order dated 30.8.2016 in Petition No. 17/MP/2016 is not applicable to the present case.

5. The Commission after hearing the parties reserved its order in these petitions.

By order of the Commission

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

