

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 222/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of J&K Police in Nimoo Bazgo Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited (NHPC)

Respondents : Power Development Department, J&K and Ors.

Petition No. 223/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of J&K Police in Chutak Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Power Development Department, J&K and Ors.

Petition No. 224/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in Uri – I Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 226/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Central Industrial Security Force (CISF) in Sewa – II Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 227/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in Uri – II Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 228/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in Tanakpur Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 229/MP/2019



Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in TLDP-III Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : West Bengal State Electricity Distribution Company Ltd and Ors.

Petition No. 230/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Central Industrial Security Force (CISF) in TLDP-IV Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : West Bengal State Electricity Distribution Company Ltd and Ors.

Petition No. 231/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Indian Reserve Battalion (IRBN) in Teesta – V Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : West Bengal State Electricity Distribution Company Ltd and Ors.

Petition No. 232/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV)/ Dayanand Anglo Vedic (DAV) and Indian Reserve Battalion (IRBN) in Rangit Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : West Bengal State Electricity Distribution Company Ltd and Ors.

Petition No. 233/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in Dhauliganga Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 234/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV) and Central Industrial Security Force (CISF) in Salal Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 236/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory

Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Kendriya Vidyalaya (KV)/ Dayanand Anglo Vedic (DAV) and Central Industrial Security Force (CISF) in Chamera-II Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 237/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Central Industrial Security Force (CISF) in Chamera-III Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 238/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Central Industrial Security Force (CISF) in Parbati-III Power Station during the period 1.1.2016 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Punjab State Power Corporation Limited and Ors.

Petition No. 286/MP/2019

Subject : Petition under Section 94 of the Electricity Act, 2003 read with Regulations 79, 111 and 114 of the Central Electricity Regulatory

Commission (Conduct of Business) Regulations, 1999 and Regulations 54 and 55 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for recovery of impact of wage revision of its employees and deputed employees of Central Industrial Security Force (CISF) in Kishanganga Power Station during the period 18.5.2018 to 31.3.2019.

Petitioner : NHPC Limited

Respondents : Power Development Department, J & K and Ors.

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Date of Hearing : 30.6.2022

Parties Present : Shri Rajiv Shankar Dvivedi, Advocate, NHPL
Shri R. B. Sharma, Advocate, BRPL
Shri Mohit Mudgal, Advocate, BYPL
Shri Sachin Dubey, Advocate, BYPL/ BRPL
Shri Ajay Shrivastava, NHPC
Shri S. K. Meena, NHPC
Ms. Megha Bajpeyi, BRPL
Shri Prashant Kumar Das, GRIDCO
Shri Mahfooz Alam, GRIDCO

Record of Proceedings

Cases were called out for virtual hearing. All the above stated Petitions have been brought by the Petitioner for same and similar reliefs with regard to different Respondents for separate stations of the Petitioner. Thus, the Petitions have been bunched together.

2. Learned counsel for the Petitioner submitted that the present Petitions have been filed, *inter alia*, for recovery of the impact of wage revisions of its employees and deputed employees of Kendriya Vidyalaya/Dayanand Anglo Vedic and Central Industrial Security Forces/Indian Reserve Battalion/ J & K Police, as the case may be, in its various hydro power projects for the 2014-19 tariff period. Learned counsel submitted that the Petitioner has already furnished the requisite information as called for by the Commission vide Record of Proceedings for the hearing dated 17.10.2019 & 5.3.2021 (in Petition No. 286/MP/2019) in these matters. Learned counsel further submitted that the Commission has already passed the orders in two of the Petitions filed by the Petitioner on the similar subject matter viz. order dated 13.11.2021 in Petition No. 221/MP/2019 and order dated 22.10.2021 in Petition No. 235/MP/2019. He added that the Petitioner will furnish the additional details, if any, required by the Commission in these matters.

3. Learned counsel for the Respondent, BRPL submitted that the Respondent has already filed its reply in 8 Petitions in which BRPL is party Respondent. Learned counsel further referred to the reply and reiterated the submissions made therein.

4. Learned counsel for the Respondent, BYPL adopted the submissions made by the learned counsel for the Respondent, BRPL.

5. In response, learned counsel for the Petitioner submitted that the Petitioner has already filed its rejoinder to the reply of Respondent BRPL, which may be taken into consideration.

6. The representative of Respondent, GRIDCO Ltd. sought additional time to file reply to the Petition.

7. After hearing the learned counsel for the parties, the Commission directed the Respondents to file their reply to the Petitions and/or additional details as mentioned in paragraph 8 below being furnished by the Petitioner within four weeks after serving copy of the same to the Petitioner, who may file its rejoinder, if any, within two weeks.

8. The Commission directed the Petitioner to submit the following details / information separately for each petition on affidavit with copy to the Respondents within three weeks:

(a) Breakup of actual O&M expenditure for the tariff period 2014-19 under various subheads (**as per Annexure-A enclosed**) after including the pay revision impact (employees, Kendriya Vidyalaya/Dayanand Anglo Vedic and Central Industrial Security Forces/Indian Reserve Battalion/ J & K Police), wage revision impact (minimum wages) and impact of pay regularization in the employee cost (MS Excel and PDF format);

(b) Break-up of actual O&M expenses including pay revision impact for Corporate Centre/other offices & breakup of claimed wage revision impact on employee cost, expenses on corporate centre and on salaries of Kendriya Vidyalaya/Dayanand Anglo Vedic and Central Industrial Security Forces/Indian Reserve Battalion/ J & K Police employee of the generating station (**as per enclosed Annexure-B and Annexure- C**, respectively) for the period 2014-19 along with allocation of the total O&M expenditure to various generating stations under construction, operational stations and any other offices along with basis of allocating such expenditure(in MS Excel and PDF format);

(c) Certificate to the effect that the employee cost and any other cost booked to IEDC has not been indicated as a part of the actual O&M expenses; and

(d) Comparative statement of the normative O&M expenses allowed to the generating station versus the actual audited O&M expenses for the period from 2014-15 to 2018-19, clearly stating that the impact of wage revision claimed is part/ not part of the above actual O&M expenses.

9. Subject to the above, the Commission reserved the matters for order.

By order of the Commission
Sd/-
(T.D. Pant)
Joint Chief (Law)

Details of the actual O&M expenses (Common for Hydro / Thermal Generating Station)

		Amount (₹ in lakh)				
SI.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 & Inauguration					
6.7	Donation					
6.8	Entertainment					
6.9	Filing fee					
	Sub-total (Administrative Expenses)					
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/Liveries & 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					
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.)					

**DETAILS OF CORPORATE CENTRE EXPENSES ALLOCATED
TO VARIOUS OPERATING STATIONS**

		Amount (₹ in lakh)				
	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 (D)=(A)-(B)- (C)					
	Head Wise Details of D					
1	Employee Expenses					
A	Salaries, Wages and Allowance					
B	Staff Welfare Expenses					
C	Productivity Linked Incentive					
D	Expenditure on VRS					
E	Ex-Gratia					
2	Administrative Expenses					
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 develp. 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.					
	Sub Total (Administrative Expenses)					
3	Security					

4	Donations					
5	Provisions					
6	Depreciation					
7	Prior period expenses					
8	Total Expenses from 1-7					
	Less Recoveries (if any)					
9	Expenses related to Operation - D					
	ALLOCATION TO OPERATIONAL STATIONS					
S.No	Name of The Unit/Station					
	Operational Station (1)					
	Operational Station (2)					

Annexure C

**FORMAT FOR CLAIMING WAGE REVISION IMPACT YEARWISE IMPACT OF REVISION
IN SALARIES & WAGES PAID TO THE EMPLOYEES AND STAFF OF Kendriya
Vidyalaya/Dayanand Anglo Vedic and Central Industrial Security Forces/Indian
Reserve Battalion/ J & K Police**

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 & PRMS)									
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 RP/Ex Gratia									
Total									

Wage revision Impact on Salaries of Kendriya Vidyalaya/Dayanand Anglo Vedic and Central Industrial Security Forces/Indian Reserve Battalion/ J & K Police (if applicable)

Component	2015-16			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	Pre Revised	Post Revision	Wage revision Impact
1. CISF/J&K Police/ Indian Reserve Battalion												
2. KV/ DAV												
Total Wage revision Impact												