

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 33/RP/2022

in

Petition No. 367/GT/2020

Coram:

Shri I.S. Jha, Member

Shri Arun Goyal, Member

Shri P.K. Singh, Member

Date of Order: 14th December 2022

IN THE MATTER OF

Review of Commission's Order dated 9.9.2022 in Petition No. 367/GT/2020 in respect of revision of tariff of Circulating Fluidized Bed Combustion Technology based NLC Thermal Power Station-II Expansion Units I & II (500 MW) for the period from their actual date of commercial operation till 31.3.2019.

AND

IN THE MATTER OF

NLC India Limited,
135, EVR Periyar High Road,
Kilpauk, Chennai- 600 010, Tamil Nadu

.....Petitioner

Vs

1. Tamil Nadu Generation and Distribution Corporation Ltd.
NPKRR Maaligai, 144, Anna Salai,
Chennai – 600002
2. Power Company of Karnataka Limited,
KPTCL Complex, Kaveri Bhavan,
Bangalore – 560009
3. Bangalore Electricity Supply Company Limited,
Krishna Rajendra Circle, Bangalore - 560 001
4. Mangalore Electricity Supply Company Limited
Corporate Office, MESCOM Bhavana, Bejai, Kavour Cross Road,
Mangalore 575 004.
5. Chamundeshwari Electricity Supply Corporation Limited
Corporate Office No CA 29, Vijayanagar 2nd Stage,
Hinakal, Mysore -570017



6. Gulbarga Electricity Supply Company Limited
Station Main Road, Gulbarga -585 102, Karnataka
7. Hubli Electricity Supply Company Ltd.,
Corporate office, P.B. Road, Navanagar,
Hubli - 580 025
8. Kerala State Electricity Board Ltd,
Vaidyuthi Bhavanam, Pattom,
Thiruvananthapuram-695004
9. Puducherry Electricity Department,
137, NSC Bose Salai,
Puducherry – 605 001

.... Respondents

Parties Present:

Ms. Anushree Bardhan, Advocate, NLCIL
Ms. Surbhi Kapoor, Advocate, NLCIL
Shri A. Srinivasan, Advocate, NLCIL
Shri S. Vallinayagam Advocate, TANGEDCO

ORDER

Petition No. 367/GT/2020 was filed by the Review Petitioner, NLC India Limited, for truing up of tariff of Circulating Fluidized Bed Combustion Technology based NLC Thermal Power Station-II, Expansion Units I & II (500 MW) (in short 'the generating station') for the period from their actual date of commercial operation till 31.3.2019 and the Commission vide order dated 9.6.2022 (in short 'the impugned order') had revised the tariff of the generating station. Aggrieved by the impugned order dated 9.6.2022, the Review Petitioner has filed this Review Petition, on the ground that there is error apparent on the face of the record, on the following counts: -:

- (a) *Disallowance of liabilities discharged for additional capitalization;*
- (b) *Disallowance of discharged liquidated damages withheld in Additional Capitalization;*
- (c) *Disallowance of personnel charges in water charges;*
- (d) *Disallowance of higher Auxiliary Consumption.*



Hearing dated 6.12.2022

2. The Review Petition was heard on 'admission' on 6.12.2022. During the hearing, the learned counsel for the Review Petitioner made detailed oral submissions in the matter and prayed that the review on the aforesaid issues may be allowed. The learned counsel for the Respondent, TANGEDCO raised preliminary objections on to the 'admissibility' of the review petition, stating that the grounds raised by the Review Petitioner do not fall within the scope and ambit of Order 47 Rule 1 of CPC, warranting the review of the impugned order. He, however prayed, that the Respondent may be permitted to file its reply on 'maintainability' of the review petition.

3. The Commission, after hearing the parties, directed the Respondent TANGEDCO to file its reply on 'maintainability' and on 'merits', on the issues raised in paragraph 1 above, on or before **31.12.2022**, after serving copy to the Review Petitioner. The Review Petitioner, shall file its rejoinder, to the same, by **17.1.2023**. Pleadings shall be completed by the parties within the due date mentioned and no extension of time shall be granted for any reason.

4. Accordingly, Review Petition No. 33/RP/2022 shall be listed for hearing on **24.1.2023**.

Sd/-
(Pravas Kumar Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S. Jha)
Member

