

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 32/RP/2022**

**in**

**Petition No. 301/GT/2020**

**Coram:**

**Shri I.S Jha, Member**

**Shri Arun Goyal, Member**

**Shri Pravas Kumar Singh, Member**

**Date of Order: 13<sup>th</sup> February, 2023**

**In the matter of**

Petition for the review of the Commission's order dated 29.8.2022 in the matter of truing up of tariff for the tariff period 2014-19 in respect of Jhanor Gandhar GPS (657.39 MW) under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103(1) of the CERC (Conduct of Business), Regulations, 1999.

**And**

**In the matter of**

NTPC Limited,  
NTPC Bhawan, Core-7, Scope Complex,  
7, Institutional Area, Lodhi Road,  
New Delhi – 110 003

**.... Review Petitioner**

**Vs**

1. Madhya Pradesh Power Management Company Limited,  
Shakti Bhawan, Vidyut Nagar,  
Jabalpur 482 008
2. Maharashtra State Electricity Distribution Company Limited,  
Prakashgad, Bandra (East),  
Mumbai 400 051
3. Gujarat Urja Vikas Nigam Limited,  
Vidyut Bhavan, Race Course,  
Vadodara – 390 007
4. Chattisgarh State Power Distribution Company Limited,  
P.O. Sundar Nagar, Danganiya, Raipur – 492013
5. Electricity Department of Goa,  
Vidyut Bhawan, Panaji, Goa



6. DNH Power Distribution Corporation Limited,  
UT of DNH, Silvassa-396230
7. Electricity Department,  
Administration of Daman & Diu,  
Daman-396210

**Parties present:**

Shri Harshit Sharma, Advocate, NTPC  
Shri A.S.Pandey, NTPC  
Shri Varun Chopra, Advocate, MPPMCL  
Shri Ravindra Khare, MPPMCL

**ORDER**

Petition No. 301/GT/2020 was filed by the Review Petitioner, NTPC Limited for the truing-up of tariff for Jhanor Gandhar GPS (657.39 MW) (in short 'the generating station') for the period 2014-19 in terms of the 2014 Tariff Regulations and the Commission vide its order dated 13.5.2022 (in short 'the impugned order) had disposed of the same. Aggrieved by the impugned order, the Review Petitioner has filed this Review Petition seeking review on the grounds that there is error apparent on the face of record, on the following issues:

- (a) Disallowance of additional capitalization for Reverse Osmosis plant;*
- (b) Disallowance of additional capitalization for X-ray baggage inspection system;*
- (c) Disallowance of additional capitalization for CCTV server upgradation;*
- (d) Disallowance of additional capitalization for Rainwater Harvesting work in admin. building considering the aspects mentioned herein above;*
- (e) Calculations for interest on loan allowed as part of the annual fixed charges.*

**Hearing dated 24.1.2023**

2. The Review Petition was heard on 'admission' on 24.1.2023. During the hearing, the learned counsel for the Review Petitioner made the detailed oral submissions in support of its prayers for review of the impugned order on the



grounds mentioned above. He however submitted that the issue raised in SI.no (e) in para 1 above (i.e. calculation of interest on loan), is being withdrawn from review. The learned counsel for the Respondent MPPMCL pointed out that issues raised by the Review Petitioner, in the Review Petition, has also been raised by the Review Petitioner, in the appeal filed by it, before the Appellate Tribunal for Electricity ('the Tribunal). He accordingly submitted that the Review Petitioner cannot be permitted to pursue its remedies in both the forums simultaneously. The learned counsel prayed that the Review Petition is therefore not maintainable. In response, the learned counsel for the Review Petitioner clarified that the appeal filed by it prior to the filing of the Review Petition, is yet to be heard by the Tribunal.

3. The Commission, after hearing the parties, permitted the withdrawal of the issue (e) raised in para 1 above, by the Review Petitioner. The Commission also directed as under:

(a) Respondent MPPMCL is permitted to file its reply on 'maintainability and on merits' on or before **13.3.2023**, after serving the copy to the Review Petitioner, who may, file its rejoinder, if any, by **23.3.2023**. Pleadings shall be completed by the parties within the due date mentioned and no extension of time shall be granted.

4. Review Petition shall be listed for hearing on **25.4.2023**.

**Sd/-**  
**(Pravas Kumar Singh)**  
**Member**

**Sd/-**  
**(Arun Goyal)**  
**Member**

**Sd/-**  
**(I. S. Jha)**  
**Member**

