

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 361/GT/2020**

Subject : Petition for revision of tariff for the period 1.4.2014 to 31.3.2019 after truing up for Pragati-III CCPS (1371.2 MW) power plant.

**Petition No. 376/GT/2020**

Subject : Petition for determination of tariff of Pragati-III CCPS (1371.2 MW) for the period 1.4.2019 to 31.3.2024.

Petitioner : Pragati Power Corporation Limited

Respondents : BSES Yamuna Power Limited and 6 others.

Date of Hearing : **27.2.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member

Parties Present : Shri Tarun Kumar, Advocate, PPCL  
Ms. Shaida Das, Advocate, PPCL  
Shri Akash Lamba, Advocate, PPCL  
Shri Surendra Kumar, PPCL  
Shri Abhishek Rohilla, PPCL  
Ms. Suparna Srivastava, Advocate, PSPCL  
Shri Tushar Mathur, Advocate, PSPCL  
Shri Anand Shrivastava, Advocate, TPDDL  
Ms. Priya Goel, Advocate, TPDDL  
Shri Rahul Kinra, Advocate, BSES Discoms  
Shri Aditya Ajay, Advocate, BSES Discoms  
Ms. Isnain, Advocate, BSES Discoms

**Record of Proceedings**

At the outset, the learned counsel for the Respondent TPDDL submitted that the Petitioner had submitted the additional information only on 16.2.2024 and requested time to file their response.

2. The learned counsel of PSPCL submitted that the Petitioner had revised the details of the Regulations under which the Additional Capital Expenditure is claimed for FY 2017-18 and FY 2018-19 at the fag end of the proceeding. He further submitted that the Petitioner had been consistently revising their submissions regarding Capital Costs claimed.



3. The learned counsel of the Petitioner requested time to submit a rejoinder, if any, for the replies to be submitted by the Respondents, wherein the detailed justification for the Capital Cost incurred would be submitted.

4. The learned counsels of the Petitioner and Respondent PSPCL requested that the Order be reserved in the matters as a number of filings have been made by the parties during the last 4 years. However, the learned counsel for Respondent TPDDL submitted that they may be heard before the Order is reserved.

5. The Commission, after hearing the parties, directed the Petitioner to submit the following additional information by **2.4.2024**:

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- i. *At Form 18 ₹38809.47 lakh in FY 2015-16 is shown as a negative reversal of 'Undischarged Liability', which means that there is an increase in UDL. Against the ROP reply for the same (hearing dated 06.01.2023), ₹38809.47 lakh in FY 2015-16 has been shown as 'Milestone Payment Yet to be Discharged'. It is observed that the Petitioner has neither claimed projected ACE nor envisaged such liability in its Petition No. 221/GT/2015 for the tariff period 2014-19, so how the UDL arose at this point in time is not understood. Hence, the Petitioner to provide justification i.e. corresponding 'Capital Expenditure' claimed by him or if allowed by the 'Commission' for the same along with documentary evidence of the same.*
- ii. *The Petitioner has submitted the details of additional capitalization after the cut-off date in Annexure-A submitted along with its affidavit dated 16.2.2024. It is observed that the Petitioner has claimed additional capitalization under "Bought out items" and "Transferred from CWIP" under Regulations 14 (3) (v). However, the quoted regulation is applicable for liability for works executed prior to the cut-off date. Hence, the Petitioner to submit the proper justification for claiming such additional capitalization.*
- iii. *Form 13/Computation of WAROI*
  - a. *The Petitioner vide ROP directives issued on 29.11.2023 for the hearing dated 08.11.2023, was asked to submit Form 13 excluding penal interest, if any, duly certified by the auditor (along with a soft copy in excel with linkage and formulas in the calculation). The petitioner has submitted the revised details of Interest on the Loan for as per form 13 vide its affidavit dated 16.02.2024 However, the Petitioner has not submitted the same in an excel softcopy with linkage and formulas. Hence, the Petitioner to submit the soft copy in excel with linkage and formulas in the calculation.*
  - b. *Further, Interest during individual financial year mentioned in Form 13 does not match with 'Statement Showing Interest & Finance Charges' statement of 'Cost Audit Report'. The Petitioner to provide reason in this regard.*
  - c. *Further, rebate from PFC is mentioned in 'Statement showing Interest & Finance Charges' given in 'Cost Audit Report'. The Petitioner to inform whether rebate from PFC has been considered, while computing WAROI in 'Form 13' or not? If yes, provide the same on affidavit.*



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- iv. *The Petitioner is required to provide the break-up of the yearly discharge of the milestone payment separately for each year of the tariff period 2019-24 certified by the Statutory Auditor.*
- v. *The Petitioner has submitted the details of additional capitalization after the cut-off date in Annexure-A along with its affidavit dated 09.10.2023. It is observed that the Petitioner has claimed additional capitalization under "HQ Share" and "Transferred from CWIP" under Regulations 25 (1) (d). However, the quoted regulation is applicable for liability for works executed prior to the cut-off date. Hence, the Petitioner to submit the proper justification for claiming such additional capitalization.*

3. The Respondents to file their replies, by **22.4.2024**, after serving a copy to the Petitioner, who may, thereafter file its rejoinder, if any, on or before **6.5.2024**. The parties will complete their submissions within the due dates mentioned, and no extension of time shall be granted.

4. These matters will be listed for hearing on **24.5.2024**.

**By order of the Commission**

**Sd/-  
(Deepak Pandey)  
Assistant Chief (Law)**

