

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 9/RP/2023
in
Petition No. 420/GT/2020

Coram:

Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member

Date of Order: 18th April, 2024

In the matter of

Review of Commission's order dated 4.6.2022 in Petition No. 420/GT/2020 for determination of tariff of Gandhar GPS (657.39 MW) for the period 2019-24.

And

In the matter of

NTPC Limited,
NTPC Bhawan, Core-7,
Core-7, Scope Complex,
7, Institutional Area, Lodhi Road,
New Delhi – 110003

.... Review Petitioner

Vs

1. Madhya Pradesh Power Management Company Ltd,
Shakti Bhawan, Vidyut Nagar, Rampur
Jabalpur-110003
2. Maharashtra State Electricity Distribution Co. Ltd,
Prakashgad, Bandra (East), Mumbai-400051
3. Gujarat Urja Vikas Nigam Ltd.,
2nd Floor Sardar Patel Vidyut Bhawan,
Race course, Vadodara -390007
4. Chhattisgarh State Power Distribution Company Ltd.
Vidyut Sewa Bhawan, Dagania , Raipur- 492001
5. Electricity Department,
Government of Goa,
3rd Floor, Vidyut Bhawan,
Panaji, Goa-403001



6. DNH Power Distribution Corporation Ltd,
Union Territory of DNH, Silvassa-396230
7. Electricity Department,
Administration of Daman & Diu,
Daman-396210

.... Respondents

Parties Present:

Shri Venkatesh, Advocate, NTPC
Shri Nihal Bhardwaj, Advocate, NTPC
Shri Harsh Vardhan, Advocate, NTPC
Shri. Vivek Kumar, NTPC
Shri Ravi Sharma, Advocate, MPPCL

ORDER

Petition No. 420/GT/2020 was filed by NTPC Limited (in short, 'the Review Petitioner') for the determination of tariff for the period 2019-24 in respect of Gandhar GPS (657.39 MW) ('in short, 'the generating station'), in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019 (in short 'the 2019 Tariff Regulations') and the Commission, vide order dated 4.6.2022 (in short, 'the impugned order') had disposed of the same. Aggrieved by the impugned order, the Review Petitioner has filed this Review Petition limited to 'the following limited aspect:

"Disallowance of Additional Capitalization for Zero Liquid Discharge Scheme."

Hearing dated 4.4.2024

2. The Review Petition was heard on 'admission' on 4.4.2024. During the hearing, the learned counsel for the Review Petitioner pointed out that the Commission, in the impugned order, had disallowed the additional capitalisation claimed by the Review Petitioner for a 'zero liquid discharge scheme' on the ground that the CPCB guidelines dated 19.1.2015 are not mandatory in nature and that the Review Petitioner had not demonstrated that the claim for the projected expenditure is on account of 'change in law' or for compliance with the existing law. Accordingly, the learned counsel



submitted that the Review Petitioner has furnished the relevant additional documents, on this issue in terms of the liberty allowed under Order 47 Rule 1 of the CPC,1908, and the same may be considered by the Commission.

3. On a specific query by the Commission whether the claim of the Review Petitioner can be taken up for consideration at the time of truing-up of the tariff of the generating station for the period 2019-24, the learned counsel for the Review Petitioner, replied in the affirmative.

4. In view of the above, we grant liberty to the Petitioner to claim the additional capitalisation on this count (as in para 1 above) with all relevant documents, at the time of truing-up of the tariff of the generating station for the period 2019-24, and the same will be considered in accordance with law.

5. Petition No. 9/RP/2023 (in Petition No. 420/GT/2020) is disposed of in terms of the above.

Sd/-
(Pravas Kumar Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(Jishnu Barua)
Chairperson

