

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 4/RP/2025**

**In**

**Petition No. 440/GT/2020**

**Coram:**

**Shri Jishnu Barua, Chairperson**

**Shri Ramesh Babu V., Member**

**Shri Harish Dudani, Member**

**Date of Order: 13<sup>th</sup> November, 2025**

**IN THE MATTER OF:**

Petition for review of the Commission's order dated 8.11.2024 in Petition No. 440/GT/2020 pertaining to the approval of tariff of Kahalgaon Super Thermal Power Station, Stage-I (840 MW) for the period 2019-24.

**AND**

**IN THE MATTER OF:**

NTPC Ltd.

NTPC Bhawan, Core-7, Scope Complex

7, Institutional Area, Lodhi Road, New Delhi-110003

**.....Review Petitioner**

**Vs**

1. Bihar State Power (Holding) Company Limited,  
(erstwhile Bihar State Electricity Board)  
Vidyut Bhawan, Bailey Road, Patna- 800 021
2. Jharkhand Bijlee Vitaran Nigam Limited,  
Engineering Building, HEC Township, Dhurwa, Ranchi- 834 004
3. GRIDCO Limited,  
24, Janpath, Bhubaneshwar
4. West Bengal State Electricity Distribution Limited,  
Vidyut Bhawan, Block DJ, Sector-II, Salt Lake City, Kolkata- 700 091
5. Power Department,  
Govt. of Sikkim, Kazi Road, Gangtok, Sikkim- 737 101
6. Assam Power Distribution Company Limited,  
Bijulee Bhawan, Paltan Bazar, Guwahati- 781001
7. Tamil Nadu Generation and Distribution Corporation Limited,  
NPKRP Maaligai, 800 Anna Salai, Chennai- 600 002



8. Uttar Pradesh Power Corp. Ltd. (UPPCL)  
Shakti Bhawan, 14, Ashok Marg, Lucknow - 226001
9. Rajasthan Urja Vikas Nigam Ltd.  
(On behalf of the Rajasthan Discoms),  
Vidyut Bhawan, Janpath, Jaipur – 302005
10. Power Development Department, J&K,  
Govt. of J&K Secretariat, Srinagar
11. Haryana Power Purchase Centre  
Shakti Bhawan, Sector-VI, Panchkula, Haryana – 134109
12. BSES Rajdhani Power Ltd. (BRPL)  
Shakti Kiran Building, Karkardooma, Delhi
13. BSES Yamuna Power Ltd. (BYPL)  
Shakti Kiran Building, Karkardooma, Delhi- 110092
14. Tata Power Delhi Distribution Ltd.  
NDPL House, Hudson Road, Kingsway Camp,  
New Delhi- 110009

..... Respondents

**Parties Present:**

Shri Venkatesh, Advocate, NTPC  
Ms. Surbhi Kapoor, Advocate, NTPC  
Ms. Ananya Sinha, Advocate, NTPC  
Shri Vijendra Singh, NTPC  
Shri Rahul Kinra, Advocate, BRPL & BYPL  
Shri Aditya Ajay, Advocate, BRPL & BYPL  
Shri Anand Kumar Shrivastava, Advocate, BSPHCL  
Shri Shivam Sinha, Advocate, BSPHCL  
Shri Ravi Nair, Advocate, BSPHCL  
Shri Rishabh Dua, Advocate, BSPHCL  
Shri Mudassir, Advocate, BSPHCL

**ORDER**

Petition No.440/GT/2020 was filed by the Petitioner, NTPC Limited, for approval of tariff of Kahalgaon Super Thermal Power Station, Stage-I (840 MW) (in short, 'the generating station') for the period 2019-24, in accordance with the provisions of the Central Electricity Regulatory Commission (Terms & Conditions of Tariff) Regulations, 2019 (in short 'the 2019 Tariff Regulations') and the Commission vide order dated



8.11.2024 (in short, 'the impugned order') disposed of the said petition. Aggrieved by the impugned order dated 8.11.2024, the Review Petitioner has filed this Review Petition, on the ground that there is an error apparent on the face of the record, on the following issue:

*“Error in the consideration/calculation of special allowance for the 2019-24 tariff period.”*

### **Submissions of the Review Petitioner**

2. In justification of the above, the Review Petitioner has submitted that there is an error apparent on the face of record, while calculating and allowing Special Allowance for the years 2019-20, 2020-21 and 2021-22, wherein, Unit-1, Unit-3 and Unit-4 completed 25 years respectively, from the date of COD of the respective units in the case of the generating station (in main petition), resulting in a loss of Rs. 2147.16 lakhs to the Review Petitioner. It has been submitted that Unit-1 was eligible for Special Allowance with effect from 1.1.2020 as per the 2019 Tariff Regulations, whereas the Commission allowed the same with effect from 1.4.2020, i.e., from the next financial year, resulting in a loss of Rs. 497.38 lakhs. The Review Petitioner has further submitted that Unit-3 was eligible for Special Allowance with effect from 1.2.2021, whereas the Commission allowed the same with effect from 1.4.2021, i.e., from the next financial year, resulting in a loss of Rs. 321.60 lakhs to the Review Petitioner. In case of Unit-4, the Special Allowance has been considered with effect from 1.4.2022 against the completion of useful life of 1.8.2021, resulting in a loss of Rs. 1328.18 lakhs. Accordingly, the Review Petitioner has pointed out that the Commission has considered the Special Allowance for each unit, from the next financial year, if the completion of the useful life of 25 years of such unit is between the years. Referring to clause (1) of Regulation 28 of the 2019 Tariff Regulations, the Review Petitioner has submitted that the said provision allows the generating company to avail the Special



Allowance beyond the useful life of the generating station or a unit thereof and as Regulation 3(73) of the 2019 Tariff Regulations, the 'useful life' in relation to a unit of a generating station, shall be 25 years, from the date of commercial operation. The Review Petitioner has contended that in terms of Regulations 28(1) and Regulation 28(2) read in conjunction with Regulation 3(73) of the 2019 Tariff Regulations, the unit of a generation station, shall be eligible for 'Special Allowance' from the completion of 25 years (useful life) from the date of COD (i.e. U-1 COD 1.1.1995, U-3 1.2.1996 and U-4 1.8.1996) and not from the next financial year, as considered by the Commission in the impugned order for Units-1, 3 and 4. Accordingly, the Review Petitioner has argued that Units-1, 3 and 4 of the generating station are eligible for the Special Allowance from the date of completion of the useful life in terms of the 2019 Tariff Regulations, and not from the next financial year, as calculated by the Commission in the impugned order for the Units-1, 3 and 4. Thus, the Review Petitioner has prayed that the Commission may rectify the error and allow the Special Allowance for the generating station as claimed by it in the main petition.

### **Hearing dated 18.9.2025**

3. During the hearing of the Review Petition 'on admission' on 18.9.2025, the learned counsel for the Review Petitioner made oral submissions, as above, in support of its prayer for rectification of the error apparent in the impugned order. However, on a specific query by the Commission, as to why the issue raised herein, should not be considered in the truing-up petition (Petition No.792/GT/2025) filed by the Review Petitioner in respect of this generating station for the period 2019-24, and pending for consideration of the Commission, the learned counsel for the Review Petitioner submitted that the Commission may grant liberty to the Review Petitioner to claim the same in the aforesaid truing-up petition filed for the period 2019-24. This request was



also not objected to by the learned counsel for the Respondents appearing in the matter.

4. In view of the above, the Review Petitioner is permitted to raise the issue of calculation of special allowance for the period 2019-24 (as in para 1 above) in the truing-up petition (792/GT/2025) filed by the Review Petitioner, in respect of the generating station for the period 2019-24, and the same will be considered in accordance with law. We also direct the Review Petitioner to submit, in the truing-up petition, an affidavit detailing the actual expenses incurred up to 31.3.2024, out of the Special Allowance granted to the generating station for the period 2019-24.

5. The prayer of the Review Petitioner, in the Petition No. 4/RP/2025 (in Petition No. 440/GT/2020) stands disposed of in terms of the above.

*Sd/-*  
**(Harish Dudani)**  
Member

*Sd/-*  
**(Ramesh Babu V.)**  
Member

*Sd/-*  
**(Jishnu Barua)**  
Chairperson

