

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 293/GT/2014

Coram:

**Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member**

Date of Order: 29th August, 2026

In the matter of:

Approval of tariff of Talcher Super Thermal Power Station, Stage-II (2000 MW) for the period from 1.4.2014 to 31.3.2019.

And

In the matter of:

Implementation of the APTEL Judgment dated 29.5.2026 in Appeal No. 10 of 2018 (NTPC vs CERC & Ors.)

And

In the matter of:

NTPC Ltd
NTPC Bhawan, Core-7, SCOPE Complex,
7, Institutional Area, Lodhi Road, New Delhi-110003

...Petitioner

Vs

1. AP Eastern Power Distribution Company Ltd.,
Corporate Office, P& T Colony, Seethammadhara, Visakhapatnam-530013
2. AP Southern Power Distribution Company Ltd.,
Back side Srinivasa Kalyana Mandapam, Tiruchhanur Road,
Kesavayana Gunta, Tirupathi- 517503
3. Telangana State Northern Power Distribution Company Ltd.,
H.No.2-5-31/2, Vidyut Bhavan, Nakkalagutta, Hanamkonda Warangal- 506001
4. Telanagana State Southern Power Distribution Company Ltd.,
Mint Compound, Corporate office, Hyderabad - 500063
5. Tamil Nadu Generation & Distribution Corporation Ltd.,
144, Anna Salai, Chennai- 600002



6. Bangalore Electricity Supply Company Ltd.,
Krishna Rajendra Circle, Bangalore- 560009
 7. Mangalore Electricity Supply Company Ltd.,
Paradigm plaza, A.B. Shetty Circle, Mangalore- 575001
 8. Chamundeshwari Electricity Supply Corp. Ltd.
927, L.J. Avenue, New Kantharajurs Road, Saraswathi Puram, Mysore- 570009
 9. Gulbarga electricity Supply Company Ltd.,
Main road, Gulbarg, Karnataka, Gulbarga- 585102
 10. Hubli Electricity Supply Company Ltd.,
Corporate office, P.B. Road, Navanagar, Hubli- 580025
 11. Kerala state Electricity Board,
Vaidyuthi Bhavanam, Pattom, Thiruvananthapuram- 695004
 12. Electricity Department, Government of Puducherry
137, NSC Bose Salai, Puducherry- 605001
 13. Grid Corporation of Orissa Limited
Vidyut Bhavan, Janpath, Bhubaneswar- 751022
-Respondents

Parties Present:

Ms. Swapna Seshadri, Advocate, NTPC
Ms. Ritu Apurva, Advocate, NTPC
Ms. Pragya Pushkar, Advocate, NTPC

ORDER

The present Petition was filed by NTPC Limited (the “Petitioner”) for approval of tariff of Talcher Super Thermal Power Station, Stage-II (2000 MW), (the “generating station”) for the tariff period from 1.4.2014 to 31.3.2019, in accordance with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (the “2014 Tariff Regulations”).

Background of the case

2. The Petitioner had *inter alia* claimed projected additional capitalisation towards installation of Wagon Tippler and associated works under Regulation 14(3)(x) of the 2014 Tariff Regulations. The Commission, vide order dated 16.2.2017, disallowed the claim.



Aggrieved by the order dated 16.2.2017, the Petitioner filed Review Petition No. 14/RP/2017, which was also dismissed vide order dated 31.8.2017.

3. The Petitioner filed Appeal No. 10 of 2018 before the Appellate Tribunal for Electricity (the “APTEL”) against the order dated 16.2.2017 in Petition No. 293/GT/2014. During the pendency of the appeal, the Petitioner projected the expenditure towards the Wagon Tippler package and associated works in Petition No. 441/GT/2020 (for determination of the 2019-24 tariff). The Commission, vide order dated 27.4.2023, kept the said claim subject to the final outcome of Appeal No. 10 of 2018.

4. The APTEL, vide judgment dated 29.5.2026, allowed Appeal No. 10 of 2018 and set aside the order dated 16.2.2017 to the extent of disallowance of the Petitioner’s claim towards additional capitalisation of the Wagon Tippler and associated works. The APTEL remanded the matter to the Commission for fresh consideration, with liberty to seek requisite information and documents from the Petitioner regarding the necessity of the investment and to undertake prudence check, if considered necessary, after affording an opportunity of hearing to the affected beneficiaries.

Disallowance of Additional Capital Expenditure towards Wagon Tippler

5. In Petition No. 293/GT/2014, the Petitioner had claimed projected additional capitalisation of Rs. 112.50 crore for 2016-17 and Rs. 12.50 crore for 2017-18 towards installation of Wagon Tippler and associated works. The Commission, vide order dated 16.2.2017, disallowed the claim, *inter alia*, on the ground that the Petitioner had not furnished documentary evidence regarding the phasing out of BOBR rakes and that, based on the coal requirement, the necessity for the additional capital expenditure had not been established. The said works were not capitalised during the tariff period 2014-19. Consequently, the Petitioner did not claim the expenditure in Petition No. 392/GT/2020 (for truing-up of 2014-19 tariff). The Petitioner subsequently claimed the



expenditure in Petition No. 441/GT/2020 pertaining to the tariff period 2019-24. The order dated 27.4.2023 in Petition No. 441/GT/2020 subjected this claim to the final outcome of Appeal No. 10 of 2018.

Hearing dated 30.7.2026

6. During the hearing, the learned counsel for the Petitioner submitted that the issue relating to the Wagon Tippler and associated works is being considered by the Commission in Petition No. 949/GT/2025 (for truing up of 2019-24 tariff), and information regarding the expenditure has already been furnished in the ongoing tariff proceedings. Accordingly, the Petitioner requested that the present matter be disposed of and the claim be considered in the truing-up proceedings for the tariff period 2019-24.

7. It is observed that the Wagon Tippler and associated works were not capitalised during the tariff period 2014-19. The expenditure was subsequently claimed by the Petitioner in Petition No. 441/GT/2020 and has also claimed it in Petition No. 949/GT/2025 for truing-up of the 2019-24 tariff, which is pending consideration before the Commission. Therefore, there is no requirement to revise the tariff determined in Petition No. 293/GT/2014, since the Wagon Tippler and associated works were not capitalised during the tariff period 2014-19. The claim relating to the said asset shall, therefore, be considered in Petition No. 949/GT/2025, in accordance with law and the directions contained in the APTEL judgment.

8. Accordingly, the APTEL judgment dated 29.5.2026 in Appeal No. 10 of 2018 stands implemented. Petition No. 293/GT/2014 is disposed of in terms of the above.

Sd/- (Ravinder Singh Dhillon) Member	Sd/- (Harish Dudani) Member	Sd/- (Ramesh Babu V.) Member	Sd/- (Jishnu Barua) Chairperson
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