

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 2/RP/2026

Subject : Petition for review of the Order dated 28.11.2024 in Petition No. 446/GT/2020 for determination of tariff of Muzaffarpur Thermal Power Station, Stage-II (390 MW) for the period 2019-24.

Petitioner : NTPC

Respondent : BSPHCL and 7 others

Date of Hearing : **29.4.2026**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Shri Adarsh Tripathi, Advocate, NTPC
Shri Ajitesh Garg, Advocate, NTPC
Shri Puneeth Ganapathy, Advocate, Bihar Discoms
Shri Naman Kumar, Advocate, Bihar Discoms

Record of Proceedings

The matter was called out for a virtual hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that the Commission has erred in not allowing the additional capital expenditure towards Zero Liquid Discharge (ZLD) under "Change in Law". He further submitted that the BSPCB Consent Order dated 1.10.2018 mandating ZLD constitutes a subsequent modification of consent conditions, squarely covered under Regulation 3(10)(d) of the 2019 Tariff Regulations. The learned counsel also submitted that the application of the proviso to Regulation 49(C)(b)(i) (in allowing GSHR) is an error apparent on the face of the record, as said proviso is not applicable to the generating station, as both units were declared under commercial operation prior to 1.4.2019.

3. The learned counsel for the Respondents, Bihar Discoms, raised a preliminary objection on the maintainability of the Review Petition and submitted that there is no error apparent on the face of the record warranting review, and that the scope of review cannot extend to re-appreciation of evidence or substitution of a different view. He submitted that the BSPCB Consent Order dated 1.10.2018 does not constitute a "Change in Law", as it does not impose a binding statutory obligation, and therefore, no additional capitalization is admissible on this ground. He also submitted that the determination of GSHR is in accordance with Regulation 49(C)(b)(i) of the 2019 Tariff Regulations.



4. After hearing the parties, the Commission reserved the order in the matter. At the request of the parties, time was granted to file written submissions (not exceeding three pages), if any, on or before 22.5.2026.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)

