

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Coram:**

1. **Shri Ashok Basu, Chairman**
2. **Shri K.N. Sinha, Member**

**IA No. 60/2003  
in  
Petition No.59/2001**

**IN THE MATTER OF**

**Modification of Commission's order dated 1.11.2002 in Petition No.59/2001  
– approval of generation tariff of Loktak HE Project**

**AND IN THE MATTER OF**

National Hydroelectric Power Corporation Ltd.

.... **Petitioner**

**Vs**

1. Assam State Electricity Board, Guwahati
2. Meghalaya State Electricity Board, Shillong
3. Deptt. of Power, Govt of Arunachal Pradesh
4. Electricity Department, Govt. of Manipur, Imphal
5. Electricity Department, Govt. of Mizoram, Aizawal
6. Electricity Department, Govt. of Nagaland, Kohima
7. Electricity Department, Govt. of Tripura, Agartala

.... **Respondents**

**The following were present:**

1. Shri SK Agarwal, GM (Cmml.), NHPC
2. Shri Prashant Kaul, NHPC
3. Shri AK Srivastava, NHPC
4. Shri H.K. Sharma, ASEB

**ORDER**  
**(DATE OF HEARING 23.12.2003)**

IA filed by the petitioner for modification of the Commission's order dated 1.11.2002 regarding approval of generation tariff of Loktak Hydroelectric Project (Loktak HEP) was listed for hearing after notice. Shri H.K. Sharma was present for ASEB, respondent No.1. None was present for the other respondents.

2. The Commission while approving tariff for the electricity supplied from Loktak HEP vide its order dated 1.11.2002 in petition No.59/2001 had directed that the tariff approved would be borne by the respondents in proportion of primary energy supplied from Loktak HEP. However, according to the Commission's order dated 1.10.2003 in petition No.42/2003, the Availability Based Tariff was implemented in North Eastern Region with effect from 1.11.2003 and consequently, the tariff is to be determined as per the provisions of the Commission's notification dated 26.3.2001.

3. In IA the prayer has been made for the modification of the above mentioned order dated 1.11.2002 in Petition No.59/2001 so as to bring the order at par with the notification dated 26.3.2001.

4. We have heard Shri S.K. Agarwal, GM for the petitioner and Shri H.K. Sharma, for ASEB. Shri Sharma submitted that ASEB was paying energy charges in proportion to the saleable primary energy, which has resulted in additional payments by ASEB. Further it was submitted that ASEB has already paid Rs.642.42 lakh in the financial year 2003-2004, though payable amount upto 30.9.2003 was Rs.587.25 lakh only. Shri Sharma has expressed his concern regarding discrepancy in the claim of capacity

charges from beneficiaries after implementation of ABT with effect from 1.11.2003. In our view, the issue raised by ASEB is extraneous to the subject matter of IA filed by the petitioner, and can be sorted out by NHPC and ASEB. Shri Sharma did not oppose the modification prayed for by the petitioner.

5. We have considered the matter very carefully. The order dated 1.11.2002 in petition No.59/2001 was made when introduction of ABT in North Eastern Region was not in contemplation. After implementation of ABT in the Region, it has become imperative to modify the methodology for sharing of the capacity charges, in keeping with the Commission's notification dated 26.3.2001 on terms and conditions of tariff. On consideration of these facts, we direct that the tariff approved by the Commission in its order dated 1.11.2002 shall be borne by the respondents in proportion of the primary energy supplied to the beneficiaries from Loktak HEP till 31.10.2002, and thereafter, from 1.11.2003, that is, the date of implementation of ABT in North Eastern Region, the two part tariff approved by the Commission in its order dated 1.11.2002 will be implemented and in that case, capacity charges will be recovered from the beneficiaries in proportion to their capacity allocation from the Loktak HEP.

6. With the above directions, IA No.60/2003 stands disposed of.

**Sd/-  
(K.N. SINHA)  
MEMBER**

**Sd/-  
(ASHOK BASU)  
CHAIRMAN**

**New Delhi dated the 14<sup>th</sup> January, 2004**