

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 63/2009**

**Coram**

Shri S. Jayaraman, Member  
Shri V.S.Verma, Member

**DATE OF ORDER: 17. 2.2010**

**In the matter of**

Approval of tariff of Sipat Super Thermal Power Station, Stage-II (1000 MW) for the period 20.6.2008 to 31.3.2009.

**And in the matter of**

NTPC Ltd.

.....Petitioner

**Vs**

1. Madhya Pradesh Power Trading Company Ltd, Jabalpur
2. Maharashtra State Electricity Distribution Co. Ltd, Mumbai
3. Gujarat Urja Vikas Nigam Ltd, Vadodara
4. Chhattisgarh State Power Trading Co. Ltd, Raipur
5. Electricity Deptt., Government of Goa, Panaji
6. Electricity Deptt., Administration of Daman & Diu, Daman
7. Electricity Deptt., Administration of Dadra and Nagar Haveli, Silvassa ..Respondents

**ORDER**

Petition No. 63/2009 was filed by the petitioner, NTPC, for approval of tariff of Unit-IV (500 MW) for the period 20.6.2008 to 31.12.2008 and Unit-IV & V (2 x 500 MW) (Combined) for the period 1.1.2009 to 31.3.2009 in respect of Sipat Super Thermal Power Station, Stage-II (hereinafter referred to as "the generating station"), based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2004, (hereinafter referred to as "the 2004 regulations"). The petitioner also filed Petition No. 140/2009 for determination of impact of additional capital expenditure incurred during the period from 1.1.2009 to 31.3.2009 on the fixed charges for the generating

station. These petitions were clubbed and the Commission by a common order dated 10.12.2009 determined the tariff for the generating station.

2. The petitioner by letter dated 25.1.2010 has submitted that the Commission in its order dated 10.12.2009 has not considered the prayer of the petitioner in Petition No. 63/2009 for reimbursement of publication expenses amounting to Rs 4,97,774/- by the respondents which had been submitted vide affidavit dated 6.5.2009. The petitioner has submitted that the Commission in all its orders while approving final tariff for the generating stations of the petitioner has allowed the reimbursement of publication expenses to be recovered from the respondents and has accordingly prayed for necessary amendment to the said order dated 10.12.2009.

3. It is noticed that the Commission has in the past allowed the reimbursement of publication expenses in the petitions for determination of final tariff for the generating stations of the petitioner. The non-inclusion of a provision for reimbursement of publication expenses in the order dated 10.12.2009 was as an accidental omission which needs to be rectified *suo motu*, by this order.

4. Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, provides as under:

*" 103. (1) The Commission may at any time, on its own motion, or on an application of any of the persons or parties concerned, within 45 days of making such decision, directions or order, review such decision, directions or orders and pass such appropriate orders as the Commission deems fit:*

*Provided that power of review by the Commission on its own motion under this clause may be exercised only for correction of clerical or arithmetical mistakes arising from any accidental slip or omission."*

5. By virtue of said power, the accidental omission in respect of reimbursement of publication expenses is rectified by incorporation of a separate paragraph after para 58 of the order dated 10.12.2009 as under:

*"59. The petitioner has confirmed publication of public notices and submitted copies of the notices along with the claim vide its affidavit dated 6.5.2009. The petitioner is entitled to claim the reimbursement of expenditure of Rs 4,97,774/- incurred on publication of notices in the newspapers directly from the respondents in one installment in the ratio applicable for sharing of fixed charges.*

6. All other terms contained in the order dated 10.12.2009 remains unaltered.

**Sd/-  
(V.S.VERMA)  
MEMBER**

**Sd/-  
(S.JAYARAMAN)  
MEMBER**