

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 30/MP/2013

Subject : Miscellaneous petition for approval under Regulation 24 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 and under Section 28 (4) of the Electricity Act, 2003 on account of additional cost incurred owing to revision of scale of pay for Employees posted in ULD & C scheme from 1.1.2007 to 31.3.2009 consequent to implementation of the revision w.e.f.1.1.2007.

Date of hearing : 21.5.2013

Coram : Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Power Grid Corporation of India Limited, Gurgaon

Respondents : Himachal Pradesh State Electricity Board, Shimla and others

Parties present : Shri S.S.Raju, PGCIL
Shri M.Mondal, PGCIL
Shri R.B.Sharma, Advocate, JSEB and BRPL

Record of Proceedings

The representative of the petitioner submitted that the petition has been filed for recovery of additional O & M cost due to increase in employee cost on account of wage revision of its employees posted in ULD & C Scheme from 1.1.2007 to 31.3.2009. He further submitted that the issue of wage revision has been finalized by the Commission vide its order dated 1.1.2013 in Petition No.101/2010 and requested the Commission to consider now the claim for additional employee cost due to the impact of wage revision under various ULDCs petitions.

2. Learned counsel for the JSEB and BRPL submitted as under:

(a) The petitioner has not mentioned any provision of law under which the petition has been filed ;

- (b) The increase in O & M expenses is already a part of CERC (Terms and Conditions of Tariff) Regulations, 2009. Thus, a fresh petition at this belated stage by the petitioner on an issue which already stands settled is a big surprise.;
- (c) Hon`ble Supreme Court in its judgment dated 3.3.2009 in Civil Appeal Nos . 1110 of 2007 and 1112 of 2007 held that the claim is permissible only when the tariff is in force and not after wards. Therefore, the claim of the petitioner could be entertained by the CERC if the same was brought during the tariff period 2004-09.
3. In response, the representative of the petitioner submitted as under:
- (a) Present petition has been filed under Section 28 (4) of the Electricity Act, 2003;
- (b) CERC (Terms and Conditions of Tariff) Regulations, 2009 is not applicable for ULDC projects and the impact of wage revision for the employees deployed was not considered while fixing the O & M rates for transmission tariff;
- (c) The tariff petitions for the period 2004-09 for respective ULDC were filed before the Commission for admitting the capital expenditure up to 2008-09 and orders in these petitions were issued by the Commission in the month of March, 2011 in which the Commission finalized and allowed revised RLDC fees and charges. However, the Commission has not allowed the claim of the impact of wage revision.
4. After hearing of the representative of the petitioner and learned counsel for the JSEB and BRPL, the Commission reserved order in the petition.

**By order of the Commission,
Sd/-
(T. Rout)
Joint Chief (Law)**