

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 262/GT/2014**

- Subject** : Revision of tariff of Nathpa Jhakri Hydroelectric power station (6 x 250MW) of SJVN Limited for the period 1.4.2009 to 31.3.2014-  
Truing up of tariff determined by order dated 20.6.2014 in Petition  
No.168/GT/2013.
- Date of hearing** : 13.1.2015
- Coram** : Shri Gireesh. B. Pradhan, Chairperson  
Shri A.K.Singhal, Member  
Shri A.S. Bakshi, Member
- Petitioner** : SJVN Limited
- Respondents** : PSPCL & 14 Others
- Parties present** : Shri Rajiv Agarwal, SJVNL  
Shri Ramesh Kapoor, SJVNL  
Shri Sanjay Kumar, SJVNL  
Shri Ashok Kumar, SJVNL  
Shri R.B. Sharma, Advocate, BRPL & GRIDCO  
Shri Shanti Swaroop, Govt. of HP  
Shri Ashok Kumar, Govt. of HP

**Record of Proceedings**

This petition has been filed by the petitioner, SJVN Limited for revision of tariff of Nathpa Jhakri Hydroelectric Power Station (6 x 250 MW) ('the generating station') for the period 1.4.2009 to 31.3.2014 after truing up exercise, based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (the 2009 Tariff Regulations).

2. During the hearing, the representative of the petitioner made detailed submissions in the matter as under:-

- a) The present petition is filed for revision of tariff, based on the actual capital cost expenditure incurred during 2013-14 and the justification submitted in respect of those assets disallowed by the Commission by order dated 20.6.2014.
- b) Rejoinder to the reply of UPPCL has been submitted vide affidavit dated 20.10.2014. However, time may be granted to file rejoinder to the reply filed by the respondents BRPL and the Govt. of HP.
- c) The Design Energy (DE) as allowed earlier has been considered in the petition. The Commission may also allow the reimbursement of filing fees deposited in respect of the tariff petition and RLDC fees and charges.

- d) Tariff of the generating station may be revised as prayed for in the petition.
3. In response, the learned counsel for the respondent, BRPL, submitted as under:-
- a) The tariff determined by the Commission in order dated 31.12.2008 in Petition No 20/2008 was subject to the submission of approved RCE-IV by the Central Government. Similar directions were given by the Commission in order dated 16.1.2013 in RP/1/2013 filed by the petitioner.
  - b) In Petition 168/GT/2013 also the tariff of the generating station was determined by the Commission subject to the petitioner submitting approved RCE-IV.
  - c) RCE-IV has not yet been approved by the Central Government who is the owner of the generating station. Hence, the petitioner cannot be granted tariff based on the capital cost claimed in the petition.
  - d) The petitioner has been granted unlimited time for submission of approved RCE-IV and the same is yet to be submitted. In view of this, tariff of the generating station can be revised only on the basis of approved RCE-III. Moreover, in line of the observation of the Hon'ble Supreme Court in its judgment dated 3.3.2009 in C.A No. 1110/2007, the petitioner cannot be permitted to revise its claim, based on the RCE-IV to be approved by the Central Government.
  - e) As regards DE, the petitioner cannot be permitted to have two hydrological data i.e. one for the purpose of operation and the other for TEC.
4. The representative of the respondent, Govt. of HP submitted as under:
- a) Reply has been filed in the matter and the same may be considered.
  - b) The Commission may consider the DE and NAPAF based on the submissions of the respondent in para 13 & 14 of the reply dated 5.1.2015.
5. On a specific query by the Commission as to whether Board Resolution for RCE-IV has been obtained, the representative of the petitioner clarified that the expenditure in respect of different package of work has been approved by the Board.
6. The Commission directed the petitioner to submit the Board approval in respect of RCE-IV which has been submitted to the MOP, GOI on or before 15.2.2015. The Commission also granted liberty to the petitioner to file its rejoinder on or before 30.1.2015.
7. Subject to the above, order in the petition was reserved. No extension of time shall be granted to the petitioner. In case no information/rejoinder is filed within the due date mentioned, the matter shall be considered based on available records.

By Order of the Commission  
-S/d-  
(T. Rout)  
Chief (Legal)