

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 37/RP/2022

in

Petition 362/GT/2020

Coram:

**Shri I.S. Jha, Member
Shri Arun Goyal, Member
Shri Pravas Kumar Singh, Member**

Date of Order: 2nd August, 2023

In the matter of

Petition for review of Commission's order dated 21.4.2022 in Petition No. 362/GT/2022 in the matter of truing up of tariff for the period 2014-19 in respect of Kahalgaon Super Thermal Power Station, Stage-II (1500 MW).

And

In the matter of

NTPC Limited,
NTPC Bhawan, Core-7, Scope Complex,
7, Institutional Area, Lodhi Road, New Delhi-110003

...Review Petitioner

Vs

1. GRIDCO Limited,
24, Janpath,
Bhubaneswar-751007
2. Power Department,
Govt. of Sikkim, Kazi Road, Gangtok,
Sikkim-737101
3. Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhawan, Race Course,
Baroda-390007
4. Madhya Pradesh Power Transmission Corporation Limited,
Shakti Bhawan, Vidyut Nagar,
Jabalpur-482008
5. Maharashtra State Electricity Distribution Company Limited,
Prakashgard", Bandra (East), Mumbai-400 051



6. Chhattisgarh State Power Trading Co. Limited,
Po. Sundernagar, Dhagania,
Raipur-492013
7. Electricity Department,
Administration of Dadra and Nagar Haveli,
Silvassa, (via VAPI)
8. Electricity Department,
Administration of Daman & Diu,
Daman-396210
9. Uttar Pradesh Power Corporation Limited
Shakti Bhawan, 14, Ashok Marg
Lucknow-226 001
10. Uttaranchal Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun-248001
11. Jaipur Vidyut Vitran Nigam Limited,
Vidyut Bhawan, Janpath,
Jaipur-302005
12. Ajmer Vidyut Vitran Nigam Limited,
Old Power House, Hathi Bhata, Jaipur Road,
Ajmer-305001
13. Jodhpur Vidyut Vitran Nigam Limited,
New Power House Road, Industrial Area,
Jodhpur-342003
14. Power Development Department,
Government of J&K, Secretariat,
Srinagar-190009
15. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place,
New Delhi-110019
16. BSES Yamuna Power Limited,
Shakti Kiran Building, Karkardooma,
Delhi-110006
17. North Delhi Power Limited,
33 KV Sub-station Building, Hudson Lane,



Kingsway Camp, Delhi-110009

18. Haryana Power Purchase Centre Limited,
Shakti Bhawan, Sector-VI, Panchkula,
Haryana-134109

19. Punjab State Electricity Board,
The Mall, Patiala-147001

20. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Shimla-171004

21. Power Department,
Union Territory of Chandigarh,
Additional Office Building, Sector-9D, Chandigarh-160009

...Respondents

Parties Present:

Shri Ashutosh K. Srivastava, Advocate, NTPC
Shri Nihal Bhardwaj, Advocate, NTPC
Shri Raj Kumar Mehta, Advocate, GRIDCO
Ms. Himanshi Andley, Advocate, GRIDCO
Shri Mohit K. Mudgal, Advocate, BRPL
Shri Sachin Dubey, Advocate, BRPL
Shri Nitin Kaca, Advocate, TPDDL
Shri Tanmay Jain, Advocate, TPDDL

ORDER

Petition No. 362/GT/2020 (in short 'tariff petition') was filed by the Review Petitioner, for truing up of tariff of the Kahalgaon Super Thermal Power Station, Stage-II (1500 MW) (in short 'generating station') for the period 2014-19 and the Commission vide its order dated 21.4.2022 (in short 'the impugned order') disposed of the same in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (in short 'the 2014 Tariff Regulations'). Aggrieved by the said impugned order, the Review Petitioner has sought review on the ground of error apparent on the face of the order, raising the following issues:



- (A) *Disallowance of the following actual additional capital expenditure:*
- (i) *Only Rs. 3451.31 lakh was allowed, out of the total actual additional expenditure of Rs. 5621.48 lakh incurred towards Ash Dyke works during the period 2014-19;*
 - (ii) *Disallowance of balance payment of allowed works and works after cut-off date on the ground that the works are beyond the cut-off date;*
 - (iii) *Disallowance of the total actual additional expenditure of Rs. 3821.57 lakh incurred towards Wagons during the period 2014-19;*
 - (iv) *Disallowance of the total actual additional expenditure of Rs. 243.40 lakh incurred towards Make-up Water System Package Stage-II, Unit-7 during the period 2014-19;*
 - (v) *Disallowance of the additional capital expenditure of Rs. 366.07 lakhs & Rs.177.53 lakhs incurred towards Turbine Generator Civil & Structural works and Plant Building Civil Package Unit-7 on accrual basis in the year 2014-15;*
 - (vi) *Deduction of undischarged liability of Rs. 2005.55 lakh from the opening liability;*
- (B) *While allowing the rate of interest on loan, Commission has erroneously not considered the following items:*
- (i) *Refinancing charges in case of ICICI-IV (Repayment of LIC IV loan); and*
 - (ii) *Methodology of calculation of interest rate in case of ADB-II Tranche A.*
- (C) *Error in considering the transit handling losses to 0.2% considering pit head station*
- (a) *while coal is being transported through Merry-go-round (MGR) and Railways leading to fall in weighted average cost of coal to Rs. 2689.50/MT;*
- (D) *Disallowance of PRP/ex-gratia amounting to Rs. 588.29 lakh during the period 2015-19 from wage revision. Disallowance of Rs. 962.47 lakhs inadvertently from wage revision..*

Hearing dated 24.1.2023

2. The Review Petition was heard on 'admission' on 24.1.2023. During the hearing, the learned counsel for the Petitioner made preliminary submissions in the matter. However, the learned counsel for the Respondent GRIDCO raised objections on the 'maintainability' of the Review Petition, stating that an appeal has been filed by the Review Petitioner before APTEL against the impugned order, and the same is pending. He accordingly prayed that the Respondent may be permitted to file its submissions on the 'maintainability' of the Review Petition. The learned counsel for the Review



Petitioner sought permission to file its rejoinder to the same. The Commission, after hearing the parties, directed the Respondent GRIDCO, to file its reply on 'maintainability' and on 'merits' of the Review Petition and also permitted the Review Petitioner to file its rejoinder, to the same. The Respondent GRIDCO has filed its reply vide affidavit dated 29.3.2023.

Hearing dated 27.4.2023

3. Thereafter, the Review Petition was listed for hearing on 27.4.2023 and the Commission, based on the request of the Review Petitioner, adjourned the hearing and also granted time to the Respondent BRPL, to file its reply in the matter.

4. The Respondent TPDDL and Respondent BRPL have filed their replies vide affidavits dated 21.6.2023 and 7.7.2023 respectively.

Hearing dated 28.7.2023

5. During the hearing of the Review Petition on 28.7.2023, the learned counsel for the Review Petitioner, sought permission to withdraw the Review Petition. This request was not opposed by the Respondents present. Accordingly, the Commission permitted the Review Petitioner to withdraw the said Review Petition. The Review Petition is therefore dismissed as withdrawn.

6. Review Petition No.37/RP/2022 (in Petition No.362/GT/2020) is disposed of in terms of the above.

**Sd/-
(Pravas Kumar Singh)
Member**

**Sd/-
(Arun Goyal)
Member**

**Sd/-
(I.S Jha)
Member**

