Chhattisgarh State Electricity Regulatory Commission
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Petition No. 31 of 2020

In the Matter of:

Truing up of energy charge rate for FY 2018-19 and FY 2019-20, of five percent (5%) power supplied to Chhattisgarh State Power Trading Company Limited (CSPTrdCL) from Unit II (300 MW) of M/s. Lanco Amarkantak Power Ltd. (LAPL).

M/s Lanco Amarkantak Power Limited ... **Petitioner**

v.

M/s Chhattisgarh State Power Trading Company Limited ... **Respondent - 1**

M/s Chhattisgarh State Power Distribution Company Ltd ... **Respondent – 2**

PRESENT	:	**Hemant Verma, Chairman**
	:	**Vinod Deshmukh, Member (Judicial)**
	:	**Pramod Kumar Gupta, Member**

Appearance	:	Shri Deepak Khurana, Counsel along with Shri Anil Sharma for petitioner
	:	Shri Abhinav Kardekar and Ms. Gurpreet Chawla, Counsel for Respondent-1
	:	Shri Vinay Kumar Jain, Counsel along with Shri Biplab Dutta, EE for Respondent-2

ORDER

(Passed on 28.10.2022)

This order is passed in petition filed by M/s Lanco Amarkantak Power Ltd. under the provisions of section 62, 86 (1) (b) of the Electricity Act, 2003, for truing up of Energy Charge rate as well as for approval of other reimbursable expenses for power supplied to the Respondents during FY 2018-19 and FY 2019-20 from its thermal generating station's Unit-II

(300 MW), located at Pathadi, Korba, Chhattisgarh. The petitioner has supplied power generated from aforesaid generating station during FY 2018-19 to FY 2019-20 at variable cost to Chhattisgarh State Power Trading Company Limited (CSPTrCL). CSPTrCL has further supplied the aforesaid power to Chhattisgarh State Power Distribution Company Limited (CSPDCL) under back to back power sale arrangement.

Petitioner has sought following reliefs:

i. Determine the tariff as per CSERC Tariff Regulations 2015 for supply of five percent (5%) power from 300 MW Unit 2 coal based thermal power plant of M/s. Lanco Amarkantak Power Ltd., Pathadi, Korba, Chhattisgarh to CSPTrdCL for FY 2018-19 & FY 2019-20;

ii. Allow true up of the provisional tariff paid by CSPTrdCL based on the provisional monthly bills and supplementary bills raised by the Petitioner based on the CSERC Tariff Regulations and actual costs incurred for the energy scheduled to CSPTrdCL;

iii. Allow the recovery of the filing fees and also the publication expenses from the beneficiary (as and when incurred) as per Para 13 above;

iv. Consider the norms for GSHR, Auxiliary Energy Consumption, As fired GCV, Specific Oil Consumption, & Transit loss;

v. Allow the reimbursement of water charges, reimbursement of electricity duty and reimbursement of WRLDC fees and charges, ULDC charges & NLDC charges on pass through basis;

vi. Allow recovery of carrying cost in case of any shortfall of revenue on account of the difference between the provisional rate paid by CSPTrdCL and the approved tariff along with other charges and reimbursements based on the expenses actually incurred by the Petitioner from the Due date of monthly payments;

vii. Condone any inadvertent omissions/errors/shortcomings and permit the Petitioner to add/alter this filing and make further submissions as may be required by the Hon'ble Commission; and

viii. Pass such further and other orders, as this Hon'ble Commission may deem fit and proper keeping in view the facts and circumstances of the case.

2. The gist of the petition was published on 11/09/2020 in newspapers for inviting

objections/suggestions from the stakeholders. Copies of petition were made available for inspection and /or purchase in the office of the Commission. The petition was also made available on the website of the Commission.

3. Public hearing on the petition was conducted on 18.03.2021 and further hearing was conducted on 19.10.2022.

4. The petitioner has entered into PPA with CSPTrCL for supply of 5% Power from its Unit - 2 (300MW). CSPTrCL further entered into back to back PPA with CSPDCL for sale of this power on 20th April 2018. The petitioner has filed the present petition for truing up of energy charge rate for FY 2018-19 and FY 2019-20. For the control from FY 2016-17 to FY 2021-21, the Commission has notified MYT Tariff regulations, 2015. As the period of tariff determination i.e. FY 2018-19 and FY 2019-20 falls under aforesaid control period, the MYT Regulation, 2015 will be applicable to the present petition. Clause 2 of the MYT Regulations, 2015, provides for determination of tariff for generators who is supplying power to distribution licensees of the State directly or through CSPTrCL. Therefore, the Commission has to determine the tariff for the petitioner's plant.

5. **Methodology for computation of energy charge rate**

Clause 41.6 of MYT Regulations, 2015 specifies methodology and principle for determination of energy charges of thermal power generating stations. The same has been followed for determining energy charge rate for the power plant in question. The clause reads as under:

"41.6. The energy charge shall cover the fuel cost (primary fuel as well as secondary fuel), and shall be payable by every beneficiary for the total energy scheduled to be supplied to such beneficiary during the calendar month on ex-power plant basis, at the energy charge rate of the month. Total Energy charge payable to the generating company for a month shall be:

(Energy charge rate in Rs./kWh) x {Scheduled energy (ex-bus) for the month in kWh.}

Energy charge rate (ECR) in Rupees per kWh on ex-power plant basis shall be determined up to three decimal places in accordance with the following formulae for

coal based stations:

ECR= [{(GHR- SFC x CVSF)xLppF/CVPF}+ SFC x LpSFi] x 100/(100 -AUX)

Where,

AUX = Normative auxiliary energy consumption in percentage.

CVPF = Gross calorific value of primary fuel as fired, in kCal per kg, per litreor per standard cubic meter, as applicable.

CVSF= Calorific value of secondary fuel, in kCal per ml.

ECR = Energy charge rate, in Rupees per kwh sent out.

GHR = Gross station heat rate, in kCal per kWh.

LPPF: Weighted average landed price of primary fuel, in Rupees per kg, perlitre or per standard cubic meter, as applicable, during the month.

SFC = Specific fuel oil consumption, in ml per kWh.

LPSFi= Weighted Average Landed Price of Secondary Fuel in Rs./ml considered initially."

Computation of energy charge rate

6. Auxiliary Energy Consumption (AUX)

Petitioner's Submission

Petitioner submitted that Regulation 39.5 (a) of CSERC Tariff Regulations 2015, specifies that the Normative Auxiliary Energy Consumption for coal based generating stations except for KTPS and HTPS. The aforesaid regulations specifies Normative Auxiliary Energy Consumption for two categories of the plant only i.e. 200 MW series sets and 500 MW and above sets. The Petitioner's generating Unit is 300 MW, which is not included in any of the above. The Petitioner's 300 MW Unit II set configuration is more closer to the 200 MW Sets than the 500 MW, thus, requested the Commission to consider Normative Auxiliary Energy Consumption of the 200 MW set for computation of Energy Charge Rate.

In view of the above, the Petitioner requested the Commission to approve the normative Auxiliary Energy Consumption of 9% as the petitioner's power plant have electrical driven boiler feed pump with induced draft cooling towers.

Respondent's Submission

Respondent submitted that normative auxiliary energy consumption as specified in CERC MYT Regulations 2014 is 7.75% for 300 MW sets plus 0.50% if the generating unit has Induced Draught Cooling Tower. In view of this, respondent submitted to consider normative auxiliary consumption as 8.25%.

Commission's View

In regards to Auxiliary Energy Consumption, it is pertinent to note that CSERC MYT Regulations 2015, is silent on norms for auxiliary energy consumption for thermal generating stations of 300 MW capacity. Section 61 of the Act stipulates that while specifying terms and conditions of tariff, the State Commission shall be guided by Central Commission's Regulations in case of generating companies and transmission licensee. In this petition, tariff is required to be determined for FY 2018-19 and FY 2019-20. Central Commission has notified CERC (Terms and Conditions of tariff) Regulations, 2014, for determination of tariff for the control period FY 2014-15 to FY 2018-19 and CERC (Terms and Conditions of tariff) Regulations, 2019 for determination of tariff for the control period FY 2018-19 to FY 2022-23. In these regulations, norms for auxiliary energy consumption for thermal generating units of 300 MW sets have been specified as 8.25% and 8.50% for electrical driven boiler feed pump with induced draft cooling towers for FY 2018-19 and FY 2019-20 respectively. Hence, the request of the petitioner to consider normative Auxiliary Energy Consumption as 9% cannot be accepted.

In light of the above, Commission has considered normative auxiliary energy consumption as 8.25% and 8.50% for FY 2018-19 and FY 2019-20 respectively as the petitioner's power plant has electrical driven boiler feed pump with induced draft cooling towers.

The petitioner submitted actual auxiliary energy consumption as 7.95 % and 8.51 % for FY2018-19 and FY 2019-20 respectively. The Commission has considered the same after prudence check for the purpose of sharing gains and losses.

7. Gross Station Heat Rate (GSHR)

Petitioner's Submission

The petitioner submitted that the Petitioner's power plant (2x300MW) was conceptualized in the year 2005. GSHR norms as provided in prevailing CERC Tariff Regulations 2004 was 2500 kCal/kWh for the Units of 200/210/250 MW. The Petitioner's power plant has achieved COD on 07.05.2011. Further, the Hon'ble CSERC in its Multi Year Tariff Regulations, 2010, 2012 & 2015 came out with revised norms for new thermal generating stations achieving COD on or after 01.04.2010. The CERC Tariff Regulations, 2014 were notified by CERC on 21.02.2014, which came into force from 01.04.2014. CSERC while framing its own CSERC Tariff Regulations, 2015 was guided by the CERC Tariff Regulations, 2014. CSERC framed its own CSERC Tariff Regulations, 2015 and notified it on 08.09.2015.

As per Regulation 39.3 (A) of CSERC Tariff Regulations 2015, the Normative GSHR for Existing Coal based Thermal Generating Stations other than KTPS, DSPM and HTPS are as given table below:

200/210/250 MW Sets	**500 MW Sets (Subcritical)**
2450 KCal/kWh	2375 KCal/kWh

"Note 1: In respect of 500 MW and above units where the boiler feed pumps are electrically operated, the gross station heat rate shall be 40 KCal/kWh lower than the gross heat rate specified above".

The petitioner further submitted that the CSERC Tariff Regulations, prescribes only two categories of sets i.e. of 200 MW/210 MW/ 250 MW and 500 MW and above. The Petitioner's generating Unit is 300 MW, which is neither included in the first set nor in the second.

The CERC Tariff Regulations, 2014 also do not provide for normative GSHR for 300 MW Generating Unit. In the absence of any specific regulations with respect to generating unit with capacity of 300 MW in both the CERC Regulations and CSERC Regulations, the petitioner has requested the Commission to consider the CSERC Regulations not the CERC Regulations. The Petitioner has invited attention of the Commission to Regulation 39 (A) (b) & (c) of MYT regulation 2015 wherein the Commission has specified GSHR for two of CSPGCL's power stations viz. GSHR for

DSPM (2x250 MW as 2500 kCal/kWh and GSHR for Hasdeo Thermal Power Station Korba 4x210 MW as 2650 kCal/kWh. Considering the COD on 07.05.2011 of the Petitioner plant (2x300MW) and GSHR of 200/210/250 MW of CSPGCL sets, the GSHR of the petitioner plant should be 2450 kCal/kWh. In view of this, the petitioner has requested to consider the normative GSHR as 2450 Kcal/kWh for the Petitioner's power plant being close to the category of 200/210/250 MW.

In support of the above, the petitioner has submitted that it would be further relevant to note that the Hon'ble APTEL order dated 01.03.2012 in Appeal No.131 of 2011, wherein it has been clearly stated that the State Commission has to determine the tariff by applying its own notified Tariff Regulations and it cannot apply the CERC Tariff Regulations. The relevant extract of the Hon'ble APTEL order dated 01.03.2012 are as follows:

"5. Bare reading of Section 61 would make it clear that the State Commissions have been mandated to frame Regulations for fixing tariff under Section 62 of the Act and while doing so i.e. while framing such Regulations, State Commissions are required to be guided by the principles laid down in by the Central Commission, National Electricity Policy, Tariff Policy etc. It also provide that while framing the Regulations, the State Commissions shall ensure that generation, transmission and distribution are conducted on commercial principles; factors which would encourage competition and safe guard consumer's interest. Once the State Commission has framed and notified the requisite Regulations after meeting the requirement of prior publication under Section 181(3), it is bound by such Regulations while fixing Tariff under Section 62 of the Act and the Central Commission's Regulations have no relevance in such cases. However, the State Commission may follow the Central Commission's Regulations on certain aspects which had not been addressed in the State Commission's own Regulations."

In view of the above, the Petitioner has requested the Commission to approve the GSHR of 2450 kCal/kWh as per CSERC Tariff Regulations, 2015 for the computation of Tariff for supply of 5% of power for FY 2018-19 & FY 2019-20.

Respondent's Submission

Respondent has submitted that neither CERC MYT regulations nor CSERC tariff regulations specify for normative GSHR for 300 MW unit therefore, the Commission should consider the normative GSHR specified for 500 MW units in CERC MYT regulations and deduct 40 kcal/kwh as the petitioner's plant is electrically operated boiler feed pump. Respondent also objected to the submission of the petitioner for considering the GSHR of the CSPGCL plants having unit size near to the petitioner's plant because of the reason that CSPGCL's units were older than the petitioner's power plant.

Commission's View

The Commission has considered the submission of the parties, it is pertinent to mention that the petitioner's plant achieved COD in the year 2011 and the present petition seeks to determine tariff for FY 2018-19 and FY 2019-20. In the MYT Regulations 2015 which is applicable to the present petition, there is provision for normative SHR for existing generating stations of 200/210/250 MW and 500 MW capacities. However, there is no mention of SHR norms for 300 MW capacity sets in the said regulations. Section 61 of Electricity Act provides that *in case of framing of regulations, the State Commission, while determining tariff, shall be guided by the principles and methodologies specified by the Central Commission*. Accordingly, the Commission has approved normative GSHR of the petitioner's plant as 2235 kcal/kwh in order dated 01.01.2020 passed in petition 41 of 2017. Therefore, the Commission approves GSHR for the FY 2018-19 and FY 2019-20 as 2335 kCal/kWh which is computed by deducting 40 kCal/kWh from specified SHR of 2375 kCal/kWh as the petitioner's plant is electrically operated boiler feed pumps in the turbine.

Actual SHR data of the power plant as submitted by petitioner for FY 2018-19 and FY 2019-20 are 2381.20 kCal/kWh and 2466.24 kCal/kWh respectively. The Commission, after prudence check, has considered the same for the purpose of sharing the gains and losses.

8. Gross Calorific Value of Primary Fuel (CVPF)

Petitioner's Submission

The petitioner submitted that the Clause 41.6 of CSERC Multi Year Tariff Regulations, 2015 specifies the Gross Calorific Value of Primary fuel 'as fired' basis will be considered for computation of ECR. Accordingly, the Petitioner has claimed Energy Charges Rate on "as fired GCV" basis. CVPF for FY 2018-19 and FY 2019-20 as submitted by the petitioner is 3509.79 kcal/kg and 3472.12 kcal/kg.

Respondent's Submission

Respondent has not submitted anything in relation to CVPF.

Commission's View

After prudence check, CVPF for FY 2018-19 and FY 2019-20 is considered as 3509.79 kcal/kg and 3472.12 kcal/kg respectively.

9. Calorific Value of Secondary Fuel (CVSF)

Petitioner's Submission

The petitioner has submitted calorific value of secondary fuel as 10000 kcal/litre for both years.

Respondent's Submission

Respondent has not submitted anything in relation to CVSF.

Commission's View

After prudence check, the Commission has considered calorific value of secondary fuel as 10000 kcal/litre for both years for computation of energy charge rate.

10. Weighted Average Landed Price of Primary Fuel (LPPF)

Petitioner's Submission

Petitioner has claimed actual weighted average landed price of primary fuel for FY 2018-19 and FY 2019-20 as Rs. 3328.82/MT and Rs.2203.64/MT respectively.

Respondent's Submission

Respondent submitted that petitioner has not provided the proper information regarding his claim for LPPF, therefore, requested the Commission to ask the same from the petitioner for carrying out prudence check.

Commission's View

During prudence check, the Commission has observed that there is mismatch in coal consumption as given in the audited account and the coal consumption as submitted under affidavit. In case, if the Commission considers the coal consumption as given in the audited account, then the GCV of the coal would become very high which is practically not possible, hence, the Commission has considered the coal consumption as submitted by the petitioner under affidavit. Accordingly, the Commission has considered actual weighted average landed price of primary fuel for FY 2018-19 and FY 2019-20 as Rs. 3290.89/MT and Rs.2194.35/MT respectively.

11. **Specific Fuel Oil Consumption (SFC)**

Petitioner's Submission

The petitioner has considered Specific Fuel Oil consumption for the petitioner's plant as 0.5 ml/Kwh in accordance with 39.4 of CSERC Multi Year Tariff Regulation 2015 for computation of Energy Charges. Actual SFC as submitted by the petitioner as 0.10 ml/kwh and 0.11 ml/kwh for FY 2018-19 and FY 2019-20 respectively.

Respondent's Submission

Respondent has not submitted anything in relation to SFC.

Commission's View

The Commission has considered Specific Fuel Oil consumption for the petitioner's plant as 0.5 ml/Kwh in accordance with 39.4 of CSERC Multi Year Tariff Regulation 2015 for computation of Energy Charges. For the purpose of sharing gains and losses, the Commission has considered Actual SFC as 0.10 ml/kwh and 0.11 ml/kwh for FY 2018-19 and FY 2019-20 respectively.

12. **Weighted Average Landed Price of Secondary Fuel (LPSFi)**

Petitioner's Submission

The petitioner has claimed weighted average landed price of secondary fuel as Rs. 43213.60/KL and Rs. 37638.70/KL for FY 2018-19 and FY 2019-20 respectively.

Respondent's Submission

Respondent has not submitted anything in relation to LPSFi.

Commission's View

After prudence check, the Commission has considered weighted average landed price of secondary fuel as Rs. 43213.60/KL and Rs. 37638.70/KL for FY 2018-19 and FY 2019-20 respectively.

13. **Energy charge rate considering sharing of gains and losses:**

Clause 11 of MYT Regulations, 2015 specifies controllable and uncontrollable factors which re as under:

"11.1 For the purpose of these Regulations, the term "uncontrollable factors" shall comprise of the following factors, but not limited to, which were beyond the control ofthe applicant, and could not be mitigated by the applicant:

(a) Force Majeure eyents;

(b) Change in law,

(c) Judicial pronouncements,

(d) Fuel prices i.e. price of coal, oil and all primary-secondary fuel;

(e) Sales mix and quantum of sales;

(f) Cost of power purchase;

(g) Costs on account of inflation;

(h) Taxes and Statutory levies.

11.2. For the purpose of these Regulations, the term "Controllable factors" shall comprise of the following:

(a) Capitalization on account of cost overruns in the implementation of a capital expenditure project not attributable to an approved change in scope of such project, change in statutory levies or circumstances beyond control of the generating company orthe licensee, as the case may be.

(b) Generation performance parameters like PLF, SHR, Auxiliary consumption, pAF etc;

(c) Energy losses computed in accordance to

Regulation 7(d)Operation & Maintenance expenses;

(e) Failure to meet the standards specified in the Standards of Performance Regulations,except where exempted;

(f) Variation in Wires Availability and Supply Availability."

MYT Regulations, 2015, specifies generation performance parameters like PLF, SHR, Auxiliary consumption, PAF as controllable factor. Clause 13 of MYT, Regulations, 2015 specifies mechanism for sharing of gains and losses on account of controllable factors. Accordingly, aggregate net gain on account of over achievement or aggregate net loss on account of under achievement in reference to the norms set in tariff order for efficiency linked controllable items shall be passed on to the beneficiary/consumer(s) and retained by the generating company in the ratio of 50:50 or as may be specified in the Order of the Commission passed under these Regulations.

S. No.	Particular	Unit	FY 2018-19			FY 2019-20		
			Petitioner	Normative	Actual	Petitioner	Normative	Actual
1	Aux	%	7.95	8.25	7.95	8.51	8.50	8.51
2	CVPF	kCal /kg	3,509.79	3,509.79	3,509.79	3,472.12	3,472.12	3,472.12
3	CVSF	kCal /ml	10.00	10.00	10.00	10.00	10.00	10.00
4	GSHR	kCal /kWh	2,381.20	2,335.00	2,381.20	2,466.24	2,335.00	2,466.24
5	LPPF	₹/kg	3.06	3.29	3.33	2.55	2.19	2.20
6	SFC	ml/kWh	0.10	0.50	0.10	0.11	0.50	0.11
7	LPSFI	₹/ml	0.04	0.04	0.04	0.05	0.04	0.04
8	**ECR (Ex-Bus)**	**₹/kWh**	**2.262**	**2.405**	**2.457**	**1.986**	**1.630**	**1.715**
9	ECR for Billing after considering gain & Loss	Rs./kWh		**2.431**			**1.673**	

14. Reimbursement of water charges, electricity duty on auxiliary consumption andelectricity duty on sale of electricity.

Petitioner's Submission

The Petitioner claimed water charges on monthly basis based on the actual water charges paid to the Water Resources Department, Govt. of Chhattisgarh.

The Petitioner submits that the Contracted Capacity defined as per signed PPA between the Petitioner and CSPTrdCL is 5% of 300 MW Unit II i.e. 15 MW. However, the Petitioner is obligated to supply only 5% of the net power generated from the 300 MW Unit II, which will depend on the generation from the Unit. It is further submitted that the Water Resource Department (WRD), Chhattisgarh have allocated water on annual basis with minimum monthly Charges for given monthly allotment. The water charges is being paid on monthly basis based on the monthly invoices raised by it. WRD has been raising invoices for minimum 90% of water usage. The Petitioner has to pay at least 90% of the amount specified in the monthly water charges bills raised by WRD irrespective of the usage, such as even during Annual Overhauling, Emergency Breakdown/forced outage even though the generating unit may not consume much water during the outages. It is further submitted that the demands/ bills raised by the Petitioner are for the entire Power Plant of the Petitioner and not specific to the quantum of power supplied. As the Petitioner has contracted the entire capacity of the Power Plant with the beneficiaries on long term basis viz. 300 MW Unit I to MP State and 300 MW Unit II in the ratio of 95% to Haryana State and 5% to Chhattisgarh State. Thus, the reimbursement to the Petitioner shall be in proportion to the Contracted Capacity to be supplied by the Petitioner to the Respondent No. 1, i.e., 5% of 300 MW Unit II. Therefore, the charges ought to be paid by State Trading Company / CSPDCL to the Petitioner at 5% of 300 MW and not in proportion of quantum of power purchased by State Trading Company/CSPDCL as the Petitioner is obligated to supply only 5% of the net generation from 300 MW Unit 2.
Accordingly, the Petitioner requested the Commission to allow reimbursement of water charges based on actual amount paid corresponding to the contracted capacity under the PPA i.e. 5% of 300 MW Unit II.

In addition to above, the Petitioner requests the Hon'ble Commission to allow reimbursement of electricity duty on auxiliary consumption and electricity duty on sale of electricity on actual basis under the PPA i.e. contracted capacity of 5% of 300 MW Unit 2.

Respondent's Submission

Respondent CSPDCL submitted that MYT Regulations lays guidelines for recovery of operational and maintenance expense, and articulates that water charges should be allowed separately as pass through in tariff on reimbursement basis, in the light of the fact that, water charge is actually the cost of water and instead not any tax or duty as articulated by the Petitioner in his submissions. That the cost of water is covered under the Operational and Maintenance Expenses which is a component of fixed charge. That, water charges are not payable on 5% of power procured at variable charges. That in light of aforementioned submissions, water charges cannot be allowed.

Commission's View

In regards to the submission of the petitioner to allow reimbursement of water charges based on actual amount paid corresponding to the contracted capacity under the PPA i.e. 5% of 300 MW Unit II, the Commission is of the view that we have allowed reimbursement of water charges limited only to the proportion of quantumof power purchased by CSPTrCL/CSPDCL vide order 01.01.2020 in petition no. 41 of 2017. As the Commission has allowed genuine clam of reimbursement of the water charges in proportion to power supplied by the petitioner, we don't find any infirmity in the same. Therefore, water charges, statutory taxes, such as electricityduty, cess etc. shall be recoverable by the generating company on reimbursement basis limited only to the proportion of quantumof power supplied to CSPTrCL and CSPDCL.

15. WRLDC fees and charges, ULDC charges and NLDC charges.

Petitioner's Submission

Similar to the water charges and electricity duty, the Petitioner requested the Commission to allow reimbursement of WRLDC, ULDC and NLDC charges paid by the Petitioner on actual basis under the PPA i.e., the contracted capacity of 5% of 300 MW Unit 2.

Respondent's Submission

Respondent has not submitted anything in relation to these charges.

Commission's View

As per the MYT Regulations 2015, the respondents are mandated to pay WRLDC, ULDC and NLDC charges on actual basis for the share of power purchased from petitioner. Hence, the Commission is of the view that WRLDC, ULDC and NLDC charges paid by the petitioner shall be pass through on reimbursement basis as allowed in the case reimbursement of water charges.

16. **Issue of recovery of petition filing fees and expenses incurred on publication of notices**

Petitioner's Submission

The petitioner has claimed for recovery of petition filling fee and expenses incurred by the petitioner on publication of notice in the petition for approval of tariff directly from the beneficiary in line with clause 82 of the MYT Regulations 2015.

Respondent's Submission

Respondent has not submitted anything in relation to filing fees and expenses.

Commission's View

As regards the above claim of the petitioner, the relevant provision of the MYT regulations 2015 reads as under;

"The application filing fee and the expenses incurred on publication of notices in the application for approval of tariff, be allowed to be recovered by the generating company or the transmission licensee/STU or the distribution licensee, as the case may be, directly from the beneficiaries or the transmission customers, as the case may be:"

In the light of the aforesaid provision, the claim of petitioner is allowed. Accordingly, the petitioner is at liberty to recover the said amount from the beneficiary i.e. CSPDCL.

17. **Summary**

(i) Considering the gains and losses with respect to normative parameters, ex bus energy charge rate for FY 2018-19 and FY 2019-20 shall be Rs. 2.431 per kWh and Rs. 1.673 per kWh respectively.

(ii) As regards respondent's submission on applicability of clause 8 of the PPA to the effect that in case the petitioner decides to sale power to another party at the rate lower than the rate fixed by the Commission, the later shall prevail, the

Commission is of the view that the PPA is between the petitioner and the respondent, whereas the tariff has been determined by the Commission as per the provisions in the MYT Regulations 2012 and MYT Tariff Regulations 2015. Therefore, there is no need for the Commission to pass any order on this matter.

(iii) Petitioner is allowed to recover carrying cost, if any, from the date of filing of the petition at the rate as approved by the Commission in the relevant tariff orders passed in petitions filed by State Power Companies and shall be computed in line with the computations done by the Commission while passing the tariff orders for State Power Companies. However, holding cost, if any, shall be payable from the date it became due at the rate as approved by the Commission in the relevant tariff orders passed in petitions filed by State Power Companies.

18. We order accordingly.

Sd/-	Sd/-	Sd/-
(Pramod Kumar Gupta)	**(Vinod Deshmukh)**	**(Hemant Verma)**
Member	**Member-Judicial**	**Chairman**