

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2423 OF 2011

NTPC LTD. (FORMERLY N.T.P.CORP.)

Appellant (s)

VERSUS

CEN.ELECTRICITY REGULATORY COMMN.& ORS.

Respondent(s)

(With office report )  
(For final disposal)

Date: 24/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Appellant(s)

Mr. G.E. Vahanvati, AG  
Mr. M.G. Ramachandran, Adv.  
Mr. K.V. Mohan,Adv.

For Respondent(s)

Mr. Pradeep Misra,Adv.

Mr. Rakesh Kumar Khanna, ASG  
Mr. R.S. Suri, Sr.Adv.  
Ms. Sunita Rao, Adv.  
Ms. Seema Rao, Adv.  
Ms. Sushma Suri, Adv.  
Mr. Arvind Kumar Sharma, Adv. (NP)

UPON hearing counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Neelam Arora)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2423 OF 2011

|NTPC LIMITED (FORMERLY NATIONAL THERMAL POWER |Appellant(s) |  
|CORPORATION |

Versus

|CENTRAL ELECTRICITY REGULATORY COMMISSION AND OTHERS |Respondent(s) |

O R D E R

We have heard learned Attorney General for India as well as learned counsel appearing for the parties.

The issue relate to the entitlement of the appellant NTPC Limited for deemed generation for Kawas and Gandhar GPS for the period from April, 1992 to July, 1996 under the tariff notification issued by the Ministry of Power, Government of India. The claim of the NTPC Limited was rejected principally on the ground that the certificate of the quantum of deemed generation, as envisaged in the above notification by the Central Electricity Authority, was not available. The NTPC thereafter approached the Central Electricity Authority for certification for grant of deemed generation for the aforesaid period in coordination with the Western Regional Power Committee and Western Regional Load Despatch Centre.

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It is brought to our notice by the learned Attorney General that necessary certification has been issued on 11th October, 2012.

In view of the above, the matter now needs to be remanded back to the Central Electricity Regulatory Commission for deciding the claim made by the NTPC on merits.

At this stage, it is brought to our notice on behalf of the State of M.P. Power Management Company that the aforesaid certification has been issued without taking their consent. The aforesaid Power Management Company will be at liberty to raise the issue before the Central Electricity Regulatory Commission, if available in law. We order accordingly.

The appeal stands disposed of in the above terms.

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(M.Y. EQBAL)

New Delhi,  
January 24, 2013