

Commission with necessary information and explanations, for determination of tariff based on capital expenditure incurred duly certified by the auditors or projected to be incurred up to the date of commercial operation and additional capital expenditure incurred duly certified by the auditors or projected to be incurred during the tariff period of the generating station. If commission so desires, the commission can get the capital expenditure verified by an independent agency appointed by the Commission, the cost of such verification shall be borne by the generating company or as directed by the commission.

Provided that in case of an existing project, the application shall be based on admitted capital cost including any additional capitalization already admitted up to 31.03.2014 and estimated additional capital expenditure for the respective years of the tariff period 2014-15 to 2018-19:

Provided further that application shall contain details of underlying assumptions for projected capital cost and additional capital expenditure, where applicable.

Provided further that any estimated additional capitalization will be as per Regulation 3.3 and 3.4 of this regulation.

- 2.7 The existing generation plants of OHPC and OPGC may make an application as per the Format prescribed by the Commission for determination of tariff as per annual schedule, by November 30th of every year for determination of tariff in respect of the units of the generating station completed or projected to be completed within six months from the date of application.

Provided that the OHPC and OPGC shall make an application as per the prescribed Format with necessary information and explanations, for determination of tariff based on capital expenditure incurred duly certified by the auditors or projected to be incurred up to the date of commercial operation and additional capital expenditure incurred duly certified by the auditors or projected to be incurred during the period for which application for determination of tariff is filed of the generating station:

Provided further that application shall contain details of underlying assumptions for projected capital cost and additional capital expenditure, wherever applicable.

Provided further that any estimated additional capitalization will be as per Regulation 3.3 and 3.4.

- 2.8 The tariff filing shall be in such form and in such manner as may be prescribed by the Commission from time to time.
- 2.9 Every application for determination of tariff or for continuation of previously determined tariff shall be accompanied by a fee as specified by the commission for filing of petitions or applications before the Commission, as amended from time to time.
- 2.10 The Commission may seek clarification and additional information on the application and the applicant shall provide clarifications and additional information within the date stipulated by the Commission.
- 2.11 True up for any period shall be governed by the provisions of the regulation under which the tariff for that year was determined.

TRUING UP OF CAPITAL EXPENDITURE AND TARIFF

- 2.12 The Commission shall carry out truing up exercise along with the tariff petition filed for the next tariff period, with respect to the capital expenditure including additional capital expenditure incurred up to 31.03.2019, as admitted by the Commission after



prudence check at the time of truing up.

Provided that the generating company, may in its discretion make an application before the Commission one more time prior to 2018-19 for revision of tariff.

Provided that the generating company, shall make an application, as per the Format prescribed by the Commission with necessary information and explanations, for carrying out truing up exercise in respect of the generating station or a unit thereof

The generating company, shall submit for the purpose of truing up, details of capital expenditure and additional capital expenditure incurred for the period from 01.04.2014 to 31.03.2019, duly audited and certified by the auditors

Provided that where after the truing up, the tariff recovered exceeds the tariff approved by the Commission under these regulations, the generating company shall refund to the beneficiaries, the excess amount so recovered along with simple interest at the rates specified in the proviso to this regulation.

Provided that where after the truing up, the tariff recovered is less than the tariff approved by the Commission under these regulations, the generating company shall recover from the beneficiaries, the under-recovered amount along with simple interest at the rates specified in the proviso to this regulation.

Provided that the amount under-recovered or over-recovered, along with simple interest at the rates specified in this regulation, shall be recovered or refunded by the generating company in six equal monthly installments starting within three months from the date of the tariff order issued by the Commission after the truing up exercise at the rate equal to the Monthly average SBI Base Rate during previous twelve months from the date of the tariff order issued by the Commission after the truing up exercise plus 300 basis points.

- 2.13 The existing generation plants of OHPC and OPGC may file an application each year for truing up of its generating stations of the previous year(s), with respect to the capital expenditure including additional capital expenditure incurred up to last day of the previous year(s) and determination of revenue gap/surplus for the ensuing year, within the time limit as specified by the Commission.

Provided that the applicant shall submit to the Commission, information in such form as may be prescribed by the Commission, together with the Audited Accounts, extracts of books of account and such other details as the Commission may require to assess the reasons for and extent of any variation in financial performance from the approved forecast of Aggregate Revenue Requirement and expected revenue from tariff and charges.





Annexure-2

The Board perused the Directors' Report, draft replies of the Management to the report of the Statutory Auditors and Comments of the C & AG, report of the Secretarial Auditor and copy of the Notice issued vide Letter dtd. 08.11.2019 for holding the Adjourned 24th AGM to be held on 19.11.2019 at 3:30 P.M at a shorter notice.

The Board noted that the Audit Committee in its 110th Meeting dtd.07.11.2019 recommended the draft replies of the Management to the report of Statutory Auditors and Comments of the C&AG on the Financial Statement.

The Board approved the Notice dtd 08.11.2019 to convene the Adjourned 24th AGM at a Shorter Notice to be held on 19.11.2019 at 3:30 P.M and ratified the action taken to issue the said notice.

The Board thereafter passed the following Resolution(s):-

- I. "RESOLVED THAT the Directors' Report and the replies of the management to the observations / comments of the C&AG of India, the report of the Statutory Auditors on the Financial Statements and report of Secretarial Auditor of the Company for the year ended 31st March, 2019, be & is hereby approved."

"FURTHER RESOLVED THAT Sh Bishnupada Sethi, IAS, CMD of the Company be and is hereby authorized to sign the Directors' Report, the replies of the management to the report of the Statutory Auditors, Comments of the C&AG of India and report of the Secretarial Auditor."

"FURTHER RESOLVED THAT Sh Bishnupada Sethi, IAS, CMD and Chairman of Committee of the CSR be and is hereby authorized to sign the CSR report for F.Y. 2018-19 on behalf of the Board."

- II. "RESOLVED THAT the Director (Finance) & CFO / Company Secretary of the Company be and are hereby authorized to file the adopted Financial Statements for the F.Y 2018-19 and other related documents as required under the provisions of Companies Act,2013 with the Ministry of Corporate Affairs (MCA), GoI."

Item No.155/4

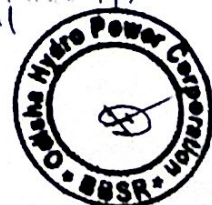
Truing-up petition of OHPC from the Financial Year 1996-97 to 2015-16.

The Board perused the memorandum and noted that M/s Feedback Infra Private Limited vide letter dated 01.08.2017 was appointed for performing truing-up exercise between ARR approved by Hon'ble OERC vis-à-vis the actual expenditure/earning made by OHPC from the FY1996-97 to FY 2015-16.

The Board after discussion and in line with the recommendation of the 109th Audit Committee meeting dtd.23.09.2019 approved to file the Truing up application before Hon'ble OERC at the earliest having the cumulative revenue Gap after truing-up for OHPC from FY-1996-97 to FY-2015-16 as under:-

(Rupees in crores)

Particulars	FY 96-97	FY 97-98	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06
Total ARR	69.63	122.14	139.56	286.83	331.42	344.37	338.27	340.05	351.20	368.27
Revenue from Sale of Power	137.79	173.37	160.05	219.75	233.76	215.26	171.41	230.34	274.94	208.46
Gap/(Surplus)	68.16	51.23	20.49	67.08	97.66	129.11	166.86	109.71	76.26	159.81





Opening Gap	-	68.16	-119.39	139.88	-72.80	24.86	153.97	320.83	430.54	506.80
Addition to the Gap	-58.16	51.23	20.49	67.08	97.66	129.11	166.86	109.71	76.26	159.81
Closing Gap	-68.16	119.39	-139.88	72.80	24.86	153.97	320.83	430.54	506.80	666.61

Particulars	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16
Total ARR	363.21	379.05	460.59	395.30	354.45	430.13	469.11	737.69	524.80	516.87
Revenue from Sale of Power	303.65	336.04	329.16	283.81	338.72	358.68	353.12	451.73	493.24	419.98
Gap/ (Surplus)	59.56	-6.99	131.43	111.49	15.73	71.45	115.99	285.96	31.56	96.89

Opening Gap	666.61	726.17	719.18	850.61	962.10	977.83	1,049.28	1,165.27	1,451.23	1,482.79
Addition to the Gap	59.56	6.99	131.43	111.49	15.73	71.45	115.99	285.96	31.56	96.89
Closing Gap	726.17	719.18	850.61	962.10	977.83	1,049.28	1,165.27	1,451.23	1,482.79	1,579.68

The Board authorized Director (Finance) to file the Petition on behalf of OHPC and furnish all such documents that may be required by Hon'ble OERC from time to time and to attend the hearing as and when required.

Item No.155/5

Issue of additional Bank Guarantee for an amount of Rs.173.36 Crs in favour of OCPL.

The Board perused the memorandum and noted that OHPC has been furnishing BG and extending Corporate Guarantee on behalf of OCPL to Ministry of Coal from time to time for Manoharpur Coal Mine. Pursuant to the decision of Board in their 153rd meeting dtd.23.09.2019, OHPC had provided Bank Guarantee to the tune of Rs.75,42,08,000/- in favour of OCPL, in the form of pledging of fixed deposit of Rs.15,08,41,600/- and issue of corporate guarantee for Rs.60,33,66,400/-, for Manoharpur Coal Mine having OHPC's share of 49% of the required BG of Rs.153.93 Crs.

The Board noted that subsequently the Mining Plan and Mine closure plan of Manoharpur and Dip-side Manoharpur Coal Mine has been revised from 8 MTPA to 16 MTPA and approved by the Ministry of Coal, Govt. of India on 26.09.2019. Accordingly, the value of the performance Security/ BG at the peak rated capacity of 16 MTPA has been estimated as Rs.327,55,20,000/-.

The Board also noted that the OCPL vide letter No. 823 dtd. 16.10.2019 has requested to provide Bank Guarantee and corporate guarantee for an enhanced amount of Rs.327,55,20,000/- for Manoharpur and Dip-side Manoharpur Coal Mine (i.e. 20% cash margin for BG and 80% CG as Bank Guarantee) in proportion of equity holding in OCPL by OHPC for Dip-side Manoharpur coal Mine for submission to Nominated Authority, MoC, Gol.

The Board after discussion and in line with the recommendation of the 110th Audit Committee meeting dtd.07.11.2019 approved to provide additional BG & Corporate Guarantee of Rs.17,01,59,360/- & Rs. 68,06,37,440/- respectively, total aggregating to Rs.85,07,96,800/- as per the following details :-

