

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 724/MP/2020**

**Coram:**

**Shri I. S. Jha, Member**

**Shri Arun Goyal, Member**

**Shri P. K. Singh, Member**

**Date of Order: 5.06.2023**

**In the matter of:**

Truing up application under sub-section (4) of Section 28 of Electricity Act 2003 read with Regulation 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 for truing up of Performance Linked Incentive of SRLDC for control period 2014-19.

**And**

**In the matter of:**

Southern Regional Load Despatch Centre (SRLDC),  
Power System Operation Corporation Ltd. (POSOCO),  
(A Govt. of India Enterprise),  
Registered office: B-9, Qutub Institutional Area, 1st Floor,  
Katwaria Sarai, New Delhi -110016

.....Petitioner

**Versus**

**Users of Southern Regional Load Despatch Center (SRLDC):**

**Users under the category of Distribution Licensees and Buyers**

1. Chairman cum Managing Director APTRANSCO, Vidyut Soudha, Gunadala, Vijayawada 520 004, Andhra Pradesh



2. Chairman cum Managing Director TSTRANSCO, Vidyut Soudha, Hyderabad 500 082, Telangana
3. Managing Director PCKL, KPTCL building, Cauvery Bhavan, Bangalore-560 009, Karnataka
4. Chairman KSEB, Vaidyuthi Bhavanam, Pattom, Trivandrum 695 004, Kerala
5. Chairman TNEB, 144, Anna Salai, Chennai 600 002, Tamil Nadu
6. Superintending Engineer PUDUCHERRY ELE. DEPT, Electricity Dept. of Pondicherry, Pondicherry 605 001
7. Chief Engineer (Electrical) Goa Electricity Board, Office of Chief Electrical Engineer (Electrical) Govt. of Goa, Vidyuth Bhavan, 3rd Floor, Panaji, Goa 403 001
8. Executive Director POWERGRID HVDC, PGCIL, Southern Regional Transmission System – II, Near RTO Driving Test Track, Singanayakanhalli, Yelahanka, Bangalore 560 064, Karnataka

### **Users under the category of Generating Stations and Sellers**

9. Executive Director, RAMAGUNDAM STG I & II NTPC, RSTPS, Jyothi Nagar, Dist. Karim Nagar, Telangana - 505 215
10. Executive Director, RAMAGUNTAM STG III NTPC, RSTPS, Jyothi Nagar, Dist. Karim Nagar, Telangana - 505 215
11. Executive Director, SIMHADRI STG II NTPC, District - Vishakhapatnam, Simhadri – 531 020, Andhra Pradesh
12. Executive Director, SIMHADRI STG I NTPC, District - Vishakhapatnam, Simhadri – 531 020, Andhra Pradesh
13. Executive Director, NTPC, TALCHER STG II NTPC, Kaniha, Deepshikha - P.O, District – Angul 759 147, Orissa
14. General Manager (O&M), Kudgi STPP NTPC, T.K.Basavana Bagewadi, Bijapur Dist 586 121, Karnataka
15. Chief General Manager, NLC TPS II STG I Neyveli Lignite Corpn. Ltd, Thermal Power Station II, Neyveli 607 801, Tamil Nadu
16. Chief General Manager, NLC TPS II STG II Neyveli Lignite Corpn. Ltd , Thermal Power Station II, Neyveli 607 801, Tamil Nadu
17. Chief General Manager, NLC TPS I EXPANSION Neyveli Lignite Corpn. Ltd., Thermal Power Station I (Exp.), Neyveli 607 801, Tamil Nadu
18. Chief General Manager, NLC TPS II EXPANSION Neyveli Lignite Corpn. Ltd., Thermal Power Station II (Expn.), Neyveli 607 801, Tamil Nadu
19. Chief General Manager, New Neyveli Thermal Power Project, Neyveli 607 807, Cuddalore Dist. Tamil Nadu
20. Station Director, MAPS Nuclear Power Corpn. Of India Ltd, Madras Atomic Power Station, Kalpakkam 603 102, Tamil Nadu
21. Station Director, KGS UNITS 1&2 Nuclear Power Corpn. Of India Ltd, Kaiga



- Generating Station, Kaiga 581 400, Karwar, Karnataka
22. Station Director, KGS UNIT 3&4 Nuclear Power Corpn. Of India Ltd, Kaiga Generating Station, Kaiga 581 400, Karwar, Karnataka
  23. The Station Director, KNPP Unit-1 Kudankulam Nuclear Power Project, Nuclear Power Corporation of India Ltd., Kudankulam Post, Radhapuram Taluk – 627 106, Tamil Nadu
  24. The Station Director, KNPP Unit-2 Kudankulam Nuclear Power Project, Nuclear Power Corporation of India Ltd., Kudankulam Post, Radhapuram Taluk – 627 106, Tamil Nadu
  25. The Executive Director NTPC Tamilnadu Energy Company Ltd., Vallur Thermal Power Project, Vellivoyalchavadi Post, Poneri Taluck, Tiruvallur Dist, Chennai – 600 013, Tamil Nadu
  26. The Executive Director NLC Tamilnadu Power Limited, 2 \* 500MW JV Thermal Power Project, Harbour Estate, Tuticorin – 628 004, Tamilnadu
  27. Executive Director, LANCO KODAPALLI St II LANCO KONDAPALLI POWER PVT. LTD, Kondapalli, Ibrahimpatnam Mandal, PIN 521 228, Telangana
  28. Executive Director, LANCO KODAPALLI St III LANCO KONDAPALLI POWER PVT. LTD, Kondapalli, Ibrahimpatnam Mandal, PIN 521 228, Telangana
  29. The Chairman & Managing Director Meenakshi Energy Pvt Ltd. (Phase I), 405, Saptagiri Towers, 1-10-75/1/1 to 6, Begumpet, Secunderabad – 500 016, Telangana
  30. The Chairman & Managing Director Meenakshi Energy Pvt Ltd (Phase II), 405, Saptagiri Towers, 1-10-75/1/1 to 6, Begumpet, Secunderabad – 500 016, Telangana
  31. The General Manager Simhapuri Energy Ltd., Madhucon Greenlands, 6-3-866/2, 3rd Floor, Begumpet, Hyderabad – 560 016, Telangana
  32. The President & CEO Coastal Energen Pvt Limited, 7th Floor, Buhari Towers, No. 4 Moores Road, Chennai 600 006, Tamil Nadu
  33. The Chief Commercial Officer (CCO) Sembcorp Energy India Ltd., 6-3-1090, A-Block, 5th Floor, T.S.R Towers, Raj Bhavan Road, Somajiguda, Hyderabad 500082, Telangana
  34. The AGM-Electrical IL&FS Tamil Nadu Power Company Ltd, C. Pudhupettai (Post), Parangipettai (Via), Chidambaram (TK), Cuddalore 608 502, Tamil Nadu
  35. The Chief Commercial Officer (CCO) Sembcorp Energy India Ltd., 6-3-1090, A-Block, 5th Floor, T.S.R Towers, Raj Bhavan Road, Somajiguda, Hyderabad 500 082, Telangana
  36. Associate Director-Business Development FRV Andhra Pradesh Solar Farm-I Pvt. Ltd., Aria Tower - Unit 5 C, 5th Floor, JW Marriott Hotel, Aerocity Asset Area 4, Hospitality District, Near Indira Gandhi International Airport, New Delhi 110 037
  37. Associate Director-Business Development FRV Andhra Pradesh Solar Farm-II Pvt. Ltd., Aria Tower - Unit 5 C, 5th Floor, JW Marriott Hotel, Aerocity Asset Area 4, Hospitality District, Near Indira Gandhi International Airport, New Delhi 110 037
  38. General Manager Azure Power thirty six private limited, 3rd floor, Asset 301-304, World mark 3, Aerocity, Delhi, 110037



39. Group Head Commercial Tata Power Renewable Energy Limited, 2nd Floor, Block B, Corporate Centre, 34, Sant Tukaram Road, Carnac Bunder, Mumbai 400 009
40. The Manager ACME Karnal Solar Power Pvt. Ltd., Plot No. 152, Sector-44, Gurugram, Haryana 122 003
41. The Manager ACME Bhiwadi Solar Power Pvt. Ltd., Plot No. 152, Sector-44, Gurugram, Haryana 122 003
42. The Manager ACME Hisar Solar Power Pvt. Ltd., Plot No. 152, Sector-44, Gurugram, Haryana 122 003
43. The GM (Commercial) NTPC Ananthapuramu Ultra Mega Solar park, Southern Region Head Quarters, , NTPC Bhavan, Kavadiguda Main Road, Secunderabad 500 080, Telangana
44. General Manager – Projects Green Infra Renewable Energy Limited, 5th floor, Tower C, Building No.8, DLF Cyber city, Gurugram, Haryana 22 002
45. Chief operating officer (Wind & Solar) Mytrah Energy (India) Energy Pvt Ltd, 8001, S NO 109 Q city, Nanakramguda, Gachibowli, Hyderabad, Telangana - 500032
46. The Assistant General Manager (Electrical) Orange Sironj Wind Power Pvt Ltd, F-9, 1<sup>st</sup> Floor, Manish Plaza-1, Plot No 7, MLU Sector-10, Dwarka, New Delhi-110075

#### **Users under the category of Inter State Transmission Licensees**

47. Executive Director POWERGRID ISTS, Southern Regional Transmission System – II, Near.RTO Driving Test Track, Singanayakanhalli, Yelahanka, Bangalore – 560 064, Karnataka
48. The Project In Charge Raichur Sholapur Transmission Company Limited, Patel Estates, S.V.Road, Jogeshwari (West), Mumbai 400 102, Maharashtra
49. The Project In Charge Kudgi Transmission Ltd., Building No 3, Second Floor, Sudeep Plaza, MLU Sector - 11, Pocket - 4, Dwarka, NEW DELHI – 110 075, Delhi
50. The Project In Charge Powergrid Vizag Transmission Ltd. Vizag 400kV SS, Sector 10, Ukkanaguram, Vishakapatnam 530 032, Andhra Pradesh
51. The CEO Powergrid NM Transmission Ltd., SRTS - II, Near RTO Driving Track, Singanayakanahalli, Yelahanka-Doddaballapur Road, Bengaluru 560 064, Karnataka
52. Head-O&M/Assets Management Maheswaram Transmission Co. Ltd., Tulip-634, New Minal Residency, J.K.Road, Near Ayodhya Bypass, Bhopal 462023, Madhya Pradesh
53. The Chief Executive Officer POWERGRID Southern Interconnector Transmission System Ltd, 6-6-8/32 & 395 E, Kavadiguda Main Road, Old Praga tools, Secuderabad 500 080, Telangana
54. The Divisional Engineer (Technical)  
Andhra Pradesh Solar Power Corporation Pvt. Ltd,



**Parties Present:**

Shri Venkateshan. M, SRLDC

**ORDER**

Southern Regional Load Despatch Centre (SRLDC) (hereinafter to be referred as 'the Petitioner') has filed the present petition under sub-section (4) of Section 28 of Electricity Act 2003 read with Regulation 29 of Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 (hereinafter to be referred as 'Fee and Charges Regulations, 2015') for approval of the truing up of Performance Linked Incentive of SRLDC for control period 2014-19.

2. The Petitioner has made the following prayers in the present petition:

**Prayer in Petition No. 724/MP/2020**

- i. *Approve the Truing up of PLI for SRLDC for control period 2014-19 as mentioned in forgoing paras.*
- ii. *Approve the following in line with paragraph 14,*
  - a. *Refund year wise surplus amount if any, arising out of the difference between CERC approved and actual PLI paid to employees to the users of the respective financial years after due consideration of amount recovered from the users.*
  - b. *Recover the under-recovered amount if any, arising out of the difference between CERC approved PLI and actual recovered from the users of the respective financial years after due consideration of actual PLI paid to the employees.*
  - c. *Recover the year wise shortage arising out of the difference between CERC approved and actual PLI paid over and above the CERC approved value from the LDCD fund on similar lines as directed by the Hon'ble commission in 344/MP/2018.*



- iii. *Allow the adjustment in lieu of order expected to be issued subsequently in the petition No 437/MP/2019 in the matter of truing up of Fees and Charges of SRLDC for the control period 2014-19*
- iv. *Allow the petitioner to recover any taxes and duties, cess etc imposed by any statutory/ government/ municipal authorities' in future from the Users.*
- v. *Pass such other relief as Hon'ble Commission deems fit and appropriate under the circumstances of the case and in the interest of justice.*

### **Submissions of the Petitioner SRLDC**

3. Petitioner has made the following submissions:
  - a) As per the methodology specified in Appendix-V & VI of Fees & Charges Regulations, 2015, SRLDC had filed the year wise PLI petitions viz 54/MP/2016, 54/MP/2017, 57/MP/2018, 91/MP/2019 and 184/MP/2020 for the year FY 2014-15, FY 2015- 16, 2016-17, 2017-18 and FY 2018-19 respectively. Commission after considering the provisions of RLDC Fees and Charges Regulations, 2015, Orders in SRLDC Fees and Charges petition 242/TT/2015 and Orders in Petition No 344/MP/2019 had approved the Performance Linked Incentive (PLI)/Performance Related Pay (PRP) for the respective years in the said petitions.
  - b) The Commission in its Order dated 21.08.2020 in Petition No. 184/MP/2020 directed SRLDC to file PLI truing up petition for control period 2014-19 and the appropriate Board approval regarding the PRP disbursed to workman. The copy of Board Approval is attached with this petition.
  - c) The details of approved fees & charges as per CERC order dated 29.12.2016 and 10.06.2019 in Petition no. 242/TT/2015 & 344/MP/2018, PLI allowed as per CERC order, PLI Recovered, actual PLI paid to the employee for the control period 2014-19, is submitted in this petition.
4. Subsequent to filing of instant petition, Order dated 21.3.2021 was issued in Petition No 437/MP/2019 in the matter of truing up of Fees and Charges of



SRLDC for the control period 2014-19 and accordingly petitioner has filed revised submissions which are considered herewith.

#### **Additional Submissions of the Petitioner dated - 24.06.2021**

5. Petitioner vide affidavit dated 24.06.2021 has submitted the following:

a) The petitioner had filed petition No 437/MP/2019 in the matter of truing up of Fees and Charges of SRLDC for the control period 2014-19. The orders on the truing up petition were issued by Commission on 21.03.2021. This has resulted in the revision of the recoverable amount of PLI due to truing up/revision of approved Fees & Charges.

b) The details of approved fees & charges as per CERC orders dated 29.12.2016 and 10.06.2019 in Petition no. 242/TT/2015 and 344/MP/2018 respectively, trued up charges as per CERC order dated 21.03.2021 in petition no 437/MP/2019, PLI recoverable as per CERC order, PLI Recovered/Income Booked, actual PLI paid to the employees for the control period 2014-19 is as under:

Figure in ₹ lakh

Description		2014-15	2015-16	2016-17	2017-18	2018-19	Total
Fees & Charges approved in 242/TT/2015 dt 29.12.2016		2107.30	1946.06	1975.52	2172.6	2336.02	10537.50
Order in Petition no. 344/MP/2018 dated 10.06.2019				60.25	283.68	324.71	668.64
Revised Approved Fees & Charges		2107.30	1946.06	2035.77	2456.28	2660.73	11206.14
<b>Final Approved Fees &amp; Charges as per order in petition no. 437/MP/2019 dt 21.03.2021</b>	<b>(A)</b>	<b>2060.11</b>	<b>1877.36</b>	<b>1954.69</b>	<b>2314.82</b>	<b>2754.56</b>	<b>10961.54</b>

PLI % allowed as per CERC Order	<b>(B)</b>	8.305%	7.000%	8.880%	16.720%	16.734%	
PLI Recoverable as per CERC Order	<b>(C=A* B)</b>	<b>171.09</b>	<b>131.42</b>	<b>173.58</b>	<b>387.04</b>	<b>460.95</b>	<b>1324.08</b>



PLI Recovered/Income Booked	<b>(D)</b>	<b>184.42</b>	<b>134.65</b>	<b>175.43</b>	<b>410.69</b>	<b>444.88</b>	<b>1350.07</b>
PLI Recovered as per auditor certificate	<b>D(i)</b>	<b>184.42</b>	<b>134.65</b>	<b>175.43</b>	<b>410.69</b>	<b>450.39</b>	<b>1355.58</b>
Difference between actual PLI recovered from Users and PLI recovered shown as per auditor's certificate*	<b>(Dii=D-D(i))</b>					<b>-5.51</b>	<b>-5.51</b>
Difference: PLI Recovered and PLI Recoverable as per CERC order	<b>(E=D-C)</b>	<b>13.33</b>	<b>3.23</b>	<b>1.85</b>	<b>23.65</b>	<b>-16.07</b>	<b>25.99</b>
<b>PLI paid to Employees</b>							
	<b>(F)</b>	<b>99.14</b>	<b>160.66</b>	<b>202.50</b>	<b>486.15</b>	<b>450.39</b>	<b>1398.84</b>
<b>Difference: PLI Recovered and PLI Paid</b>							
	<b>(G=D-F)</b>	<b>85.28</b>	<b>-26.01</b>	<b>-27.07</b>	<b>-75.46</b>	<b>-5.51</b>	<b>-48.77</b>
<b>Difference: PLI Recoverable and PLI Paid</b>							
	<b>(H=C-F)</b>	<b>71.95</b>	<b>-29.24</b>	<b>-28.92</b>	<b>-99.11</b>	<b>10.56</b>	<b>-74.76</b>

\* Billing for PLI for FY 2018-19 was done and accounted for in FY 2019-20 based on provisional PLI % of FY 2017-18 and approved charges for FY 2018-19 by the Commission vide orders in petition no. 242/TT/2015 and 344/MP/2018. Since the payment of PLI to executives was made in the same year i.e. March 2020 hence shortfall provision was created, and shown receivable, in the books of accounts of FY 2019-20 for ₹ 5.51 Lakhs. The net amount of PLI, after considering receivable amount, comes to ₹ 450.39 Lakhs, which is matching with the auditor certificate.

c) There is a small difference in PLI recoverable as per CERC Order and PLI recovered which has arisen due to the truing up in CERC approved fees and charges for 2017-18 in Petition No. 437/MP/2019.

d) The year wise truing up adjustment of SRLDC with Users and LDCD fund is detailed below:

Figure in lakh

Financial Year	Recoverable (-)/ Payable (+) by SRLDC from/to Users	Recoverable (-) by SRLDC from LDCD Fund	Recoverable (-) / Refundable (+) by SRLDC





2014-15	85.28	0	85.28
2015-16	3.23	-29.24	-26.01
2016-17	1.85	-28.92	-27.07
2017-18	23.65	-99.11	-75.46
2018-19	-5.51	0	-5.51
Total	108.5	-157.27	-48.77

- e) The net adjustment/ truing up of PLI for the control period 2014-19 is summarized below:
- ₹ 108.5 Lakhs net payable by SRLDC to users for the control period 2014-19 with year wise adjustment tabulated above.
  - ₹ 157.27 Lakhs net recoverable from LDCD fund to SRLDC for the control period 2014-19 with year wise adjustment tabulated above.
- f) The Petitioner has submitted the Auditor Certificate with respect to PLI recovered from the users and PLI disbursed to the Employees for the control period 2014-19.

### **Hearings**

- The Petition was admitted on 03.09.2021 and the Order was reserved in the matter on 23.03.2023.

### **Analysis and Decision**

- We have considered the submissions of the Petitioner and have also perused the facts on record. The Petitioner has filed the present petition specifically for truing up of Performance Linked Incentive of SRLDC for control period 2014-19.



8. Regulation 29 of the Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch Centre and other related matters) Regulations, 2015 provides as under:

*“29. Performance linked incentive to RLDCs and NLDC: (1) Recovery of incentive by the Regional Load Despatch Centre shall be based on the achievement of the Key Performance Indicators as specified in Appendix V or such other parameters as may be prescribed by the Commission.*

*(2) Each Regional Load Despatch Centre shall submit its actual performance against each of the key performance indicators to the Commission on annual basis as per the format specified in Appendix V.*

*(3) NLDC shall submit the details in regards to each Key Performance Indicator in the format specified in Appendix V along with the methodology for approval of the Commission.*

*(4) The Commission shall evaluate the overall performance of the RLDCs or NLDC, as the case may be, on the basis of weightage specified in Appendix V. The Commission, if required, may seek advice of the Central Electricity Authority for evaluation of the performance of system operator.*

***(5) The RLDCs or NLDC, as the case may be, shall be allowed to recover incentive of 7% of annual charges for aggregate performance level of 85% for three years commencing from 1.4.2014 and for aggregate performance level of 90% from 1.4.2017. The incentive shall increase by 1% of annual charges for every 5% increase of performance level above 90%:***

*Provided that incentive shall be reduced by 1% of annual charges on pro rata basis for the every 3% decrease in performance level below 85%.*

*(6) The RLDCs or NLDC, as the case may be, shall compute the Key Performance Indicators on annual basis for the previous year ending on 31st March and submit to the Commission along with petitions for approval of the Commission as per Appendix V and Appendix VI of these Regulations:*

***Provided that the key performance indicators of previous year ending on 31st March shall be considered to recover incentive on each year and shall be trued up at the end of the control period.”***

As per above, there is a requirement of true up of incentive at the end of the control period.

9. The Commission vide order dated 21.08.2020 in Petition No.184/MP/2022 held as under:

*“80.The Commission observes that Regulations 29(6) of the Fees and Charges Regulations 2015 provides as below:*

*“The RLDCs or NLDC, as the case may be, shall compute the Key Performance Indicators on annual basis for the previous year ending on 31st March and submit to the Commission along with petitions for approval of the Commission as per Appendix V and Appendix VI of these*



*Regulations: Provided that the key performance indicators of previous year ending on 31st March shall be considered to recover incentive on each year and shall be trued up at the end of the control period.”*

*Accordingly, the Petitioner is directed to file true up petition for control period 2014-19 within three months of issue of this order, taking into account the amount recovered from users and actual pay-out to the employees.”*

As per above, true-up petition was required to be filed taking into account the amount recovered from users and actual pay-out to the employees.

10. In compliance with the direction of the Commission order 21.08.2020 in Petition No. 184/MP/2020, petitioner has filed the instant petition for truing up of the PLI for control period 2014-19 taking into account the amount recovered from users and actual pay-out to the employees and has also submitted the extract of the Minutes of the 67th meeting of the Board of Directors of POSOCO held on 26.03.2019. The relevant extract of the order dated 28.08.2020 is as under:

*“67.2.4.3 The Board was informed that wage revision for Workmen had been done in POWERGRID, the erstwhile parent organization w.e.f. 1st January 2017. Therefore, as done in the case of Executives, pay revision of employees in POSOCO in workmen category was proposed to be done on the basis of the revised pay structure implemented for employees in workmen category in POWERGRID. Accordingly, it was proposed that the coverage of the Pay revision of Workmen may be applicable to all the regular workmen, including workmen on probation who were on the rolls of POSOCO on 01.01.2017 and those joining thereafter till the date of issue of orders for the revision. Further, the duration of the Pay revision, as in the case of Executives was proposed to be effective from 01.01.2017 for a period of 10 years i.e. till 31.12.2026 only. Furthermore, any salary increase / review in the intervening period if given to employees in the Executive category was also proposed be extended to the employees in the workmen category.....*

*67.2.4.5 After deliberations, the Board approved the proposal which was earlier recommended by the Nomination and Remuneration Committee in its meeting held earlier on the same day, i.e. 26.03.2019. The Board passed the following resolution:*

***“Resolved that the proposal for revision of Wage and Benefit Structure for Employees in the workmen category as detailed in the background note be and is hereby approved.”***

Relevant extract of the Annexure-2 of the Background note is quoted as follows:

“Revision of other Benefits



.....  
"9.0 Performance Related Pay:  
Maximum ceiling of PRP payable will be upto 38% of revised basic pay. The terms and conditions shall be in line with those applied for Executives."

Thus, we observe from the above that the Board of Directors of POSOCO in the meeting held on 26.03.2019 approved the revision of Wage and Benefit Structure for Employees in the workmen category.

11. The Petitioner has submitted the following year-wise truing up adjustment with Users and with LDCD fund:

Figure in ₹ lakh

Financial Year	Recoverable (-) to/ Refundable (+) by SRLDC from/to Users	Recoverable (-) by SRLDC from LDCD Fund
2014-15	85.28	0
2015-16	3.23	-29.24
2016-17	1.85	-28.92
2017-18	23.65	-99.11
2018-19	-5.51	0
Total	108.50	-157.27

We observe from the above table that the Petitioner has proposed to recover Rs. 29.24 Lakhs, Rs. 28.92 Lakhs and Rs. 99.11 Lakhs for the year 2015-16, 2016-17 and 2017-18 respectively from LDCD Fund.

12. The relevant extract of the Commission Order dated 10.06.2019 in Petition No. 344/MP/2018 along with IA 26/2019 is as below:

"62. In view of the above, in exercise of provisions of "Power to Relax" under Regulation 35 of Fees and Charges Regulations, 2015 we hereby relax Regulation 29(5) of Fees and Charges Regulations, 2015 and direct that RLDCs or NLDC, as



*the case may be, shall be allowed to recover incentive of 15% of annual charges post implementation of pay revision w.e.f. 1.1.2017 subject to ceiling as per DPE Guidelines in place of 7%, keeping other provisions of Regulation 29(5) same. **In case of shortfall as per DPE Guideline, the balance amount shall be paid from the LDCD fund.***

Thus, the Commission vide Order dated 10.06.2019 in Petition No. 344/MP/2018 has allowed to recover incentive of 15% of annual charges post implementation of pay revision w.e.f. 1.1.2017 subject to ceiling as per DPE Guidelines in place of 7%, keeping other provisions of Regulation 29(5) of the Fee and Charges Regulations of the same and also directed to recover the balance amount of PLI, calculated as per the DPE Guidelines, from the LDCD fund in case of shortfall.

13. Considering the order dated 10.06.2019 in Petition No. 344/MP/2018, wherein Commission has allowed the recovery of shortfall amount of the PLI from the LDCD fund, and that petitioner has already released such PLI to employees calculated in accordance with DPE guidelines, we hereby allow the recovery of shortfall amount of PLI for years 2014-19 from LDCD fund as proposed by Petitioner as detailed at paragraph 11 of this Order.

14. In view of the above, the details of the trued-up PLI allowed for SRLDC as per the Fees and charges Regulations, 2015 and as per the Commission's order dated 21.08.2020 in Petition No.184/MP/2022 for control period 2014-19 is summarized below:

(Figure in ₹ lakh)

Description		2014-15	2015-16	2016-17	2017-18	2018-19
Final Approved Fees & Charges as per order in petition no. 437/MP/2019 dt 21.03.2021	(A)	2060.11	1877.36	1954.69	2314.82	2754.56
PLI % allowed as per CERC Order	(B)	8.305%	7.000%	8.880%	16.720%	16.734%
PLI Recoverable as per CERC Order	(C=A*B)	171.09	131.42	173.58	387.04	460.95
PLI Recovered/Income Booked	(D)	184.42	134.65	175.43	410.69	444.88
PLI paid to Employees	(F)	99.14	160.66	202.50	486.15	450.39
<b>PLI Recoverable (-) from or refundable (+) to user of SRLDC</b>	<b>(G)</b>	<b>85.28</b>	<b>3.23</b>	<b>1.85</b>	<b>23.65</b>	<b>-5.51</b>
<b>PLI Recoverable (-) from or refundable (+) to LDCD fund</b>	<b>(H)</b>		<b>-29.24</b>	<b>-28.92</b>	<b>-99.11</b>	

Accordingly, the Petitioner is directed to recover or to return, as the case may be, the amount under the row 'G' and row 'H' of the above table within two months from the issue of this order.

15. The Petitioner has also prayed to allow to recover any taxes and duties, cess etc. imposed by any statutory/ government/ municipal authorities' in future from the users. In this regard, since nothing has been submitted by the petitioner as on date regarding which tax or duty etc it is seeking relief against, no direction can be given on it.

16. The Petition No. 724/MP/2020 is disposed of in terms of the above.

**Sd/-**  
**(P. K. Singh)**  
**Member**

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

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

