## Office of Chief Engineer Commercial Unit



U.P. Rajya Vidyut Utpadan Nigam Ltd. 14<sup>th</sup> floor, Shakti Bhawan Extn. Lucknow-226001

Tel. No.- 0522-2288056/2287030 CIN:U40101UP1980SGC005065

E-mail: gm.commercial@uprvunl.org cecommercialunl@gmail.com

Date: 03 March- 2023

No. 114 /UNL/CE(Comml.)/MYT (2019-24)/Parichha

The Secretary,
U.P. Electricity Regulatory Commission
Vibhuti Khand-II, Gomti Nagar
Lucknow-2260010

Subject:- Re-joinder submission against Counter Affidavit of UPPCL in Re-Submitted MYT Petition of 1x110 MW Parichha Thermal Power Station of UPRVUNL for FY 2019-20 to 2020-21.

Dear Sir.

Kindly find enclosed herewith Re-joinder Submission in 06 copies (one original + 05 photocopies with soft copy) against Counter Affidavit of UPPCL in Re-submitted MYT Petition for 1X110 MW Parichha Thermal Power Station of UPRVUNL for FY 2019-20 to 2020-21 as per UPERC (Terms and Conditions of Generation Tariff) Regulations, 2019 in compliance of directive of Hon'ble Commission during hearing held on dated 25.01.2023 and Order No. UPERC/Secy/D(G)/23-728, dated 15.02.2023 under Petition No. 1527/2019 for determination of MYT and ARR of various Thermal Power Stations of UPRVUNL for FY 2019-20 to 2023-24.

Submitted for kind consideration of the Hon'ble Commission.

Encl: As above.

Yours Sincerely,

(Ashok Kumar Seth)

Chief Engineer(Commecial)
nl.)/MYT (2019-24)/Parichha

Date: 0 3 March- 2023

No. N 4 /UNL/CE(Comml.)/MYT (2019-24)/Parichha Copy to the followings for their kind information:-

1. Managing Director, UPPCL, 7th floor, Shakti Bhawan, 14 Ashok Marg, Lucknow.

2. PS to Managing Director, UPRVUNL, 7th floor, Shakti Bhawan, 14 Ashok Marg, Lucknow.

3. Director (Project & Commercial), UPRVUNL, 8th floor, Shakti Bhawan Ext, Lucknow.

4. Director (Technical), UPRVUNL, 8th floor, Shakti Bhawan Ext, Lucknow.

5. Director (Finance), UPRVUNL, 8th floor, Shakti Bhawan Ext, Lucknow.

6. Chief Engineer (PPA), UPPCL, 14th floor, Shakti Bhawan Ext, Lucknow.

(Ashok Kumar Seth ) Chief Engineer (Commercial)

DATE OF OS 2023

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U.P. Rajya Vidyut Utpadan Nigam Ltd. 14th floor, Shakti Bhawan Extn. Lucknow-226001

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Encl: As above.

Yours Sincerely,

(Ashok Kumar Seth)

Chief Engineer(Commecial) Date: 03 March-2023

No. 11 4 /UNL/CE(Comml.)/MYT (2019-24)/Parichha

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1. Managing Director, UPPCL, 7th floor, Shakti Bhawan, 14 Ashok Marg, Lucknow.

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5. Director (Finance), UPRVUNL, 8th floor, Shakti Bhawan Ext, Lucknow.

6. Chief Engineer (PPA), UPPCL, 14th floor, Shakti Bhawan Ext, Lucknow.

(Ashok Kumar Seth) Chief Engineer (Commercial)

# IN THE HON'BLE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION AT LUCKNOW

#### **PETITION NO. 1527 OF 2019**

#### IN THE MATTER OF:

Multi Year Tariff (MYT) Petition of **1**x110 MW Parichha TPS for FY 2019-20 to 2023-24.

Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited

....PETITIONER

Versus

U.P. Power Corporation Limited & Ors.

.....RESPONDENTS

#### **INDEX**

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Dated: Lucknow Sugar,

PETITIONER
Chief Engineer (Commercial)
U.P.R.Y.U.N.L. 14th Floor, Shakti Bhawan Exin.
Lucknow-226001



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# REJOINDER AFFIDAVIT IN RESPONSE TO THE REPLY FILED BY THE U.P. POWER CORPORATION LIMITED (R-1)

I, Ashok Kumar Seth, Son of Late Shakal Narain Ram Seth aged about 53 Years, resident of D-201, Celebrity Greens, Sushant Golf City, Lucknow 226030 do hereby solemnly affirm and state as under:

1. I am working as Chief Engineer (Commercial) with Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, 14th Floor, Shakti Bhawan Sworn and Verified Ext., 14- Ashok Marg, Lucknow- 226001, the Petitioner herein, and am the authorised representative of the Petitioner in the present petition. I am fully conversant with the facts and circumstances of

Before me

r Shakti Bhawan Exta. Lucknow-226001

the case and am duly authorized and competent to affirm this affidavit.

- That the contents of the accompanying rejoinder are true to the best of my knowledge and records maintained by UPRVUNL and the submissions are based on legal advice.
- 3. The chronology and date of filing main petition and subsequent additional submissions is detailed in the table below:

Submission	DATE OF SUBMISSION	DETAILS OF SUBMISSION					
MAIN MULTI YEAR TARIFF PETITION	06-11-2019	MYT PETITION FILED FOR DETERMINATION ARR AND TARIFF FOR ANPARA 'A' I ANPARA B TPS, ANPARA 'D' TPS, OBRA B THARDUAGANJ #7 TPS, HARDUAGA EXTENSION TPS, PARICHHA #2 TPS, PARICHER EXTENSION TPS, PARICHHA EXTENSION II FOR EXISTING UPRVUNL TPS PROVISIONAL TARIFF FOR HARDUAGE EXTENSION STAGE-II TPS.					
ADDITIONAL SUBMISSION-1	03-01-2020	ADDITIONAL SUBMISSION-1 WAS MADE BEFORE THE COMMISSION WITH ADDITION OF PROJECTED ADDITIONAL CAPITALISATION AS BELOW:					
		<ul> <li>ANPARA-A: Rs. 448.06 CRORE FOR INSTALLATION OF FGD AND ESP IN FY 2022-23</li> <li>ANPARA B: Rs. 662.34 CRORE FOR INSTALLATION OF FGD AND ESP IN FY 2022-23</li> <li>ANPARA D: Rs. 556.08 CRORE FOR INSTALLATION OF FGD AND NOX IN FY 2021-22</li> <li>HARDUAGANJ EXTENSION: Rs. 59.83 CRORE FOR INSTALLATION OF FGD AND NOX IN FY 2019-20</li> </ul>					

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Chief Engineer (Commercial)
U.P.R.V.U.N.C. T4th Floor, Shakti Blgiwan Extra
Lucknow-276001

SUBMISSION	DATE OF SUBMISSION	DETAILS OF SUBMISSION				
		Parichha Extension: Rs. 105.86 Crore for installation of FGD and Nox in FY 2022-23				
Additional Submission-2	14-10-2020	Additional Submission-2 was made before the Commission with addition of Projected additional capitalisation as below:  • Anpara A: Rs. 50.32 Crore for Ash Dyke Height Raising work in Fy2019-20 (Rs. 12.04 Cr) and Fy 2020-21 (Rs. 38.28 Cr)  • Anpara A: Rs.283.50 Crore for Special Allowance in Fy 2019-20 to Fy 2023-24 (630x9.00 Lak/MW).  • Obra B: Rs. 1,546.71 Crore for Renovation and Modernisation (R&M) work balance work out of Rs. 2849.89 Cr as approved by ETF.  • Parichha Extension S-II: Rs. 11.79 Crore for Purchase of Mandatory Spares as per UPERC order dated 26.10.2017.  • Harduaganj Unit No. 7 revised MYT Petition due to change in GFA values in True-up Petition.				
Additional Submission-3	02-09-2021	ADDITIONAL SUBMISSION-3 WAS MADE BEFORE THE COMMISSION AS BELOW:  ANPARA D: AT THE TIME OF FILING OF THE PETITION, THE PROJECTED CAPITAL EXPENDITURE UP TO FY 2023-24 BASED ON PROJECTIONS WERE AVAILABLE WITH THE PETITIONER ON THE BASIS OF WHICH, THE TARIFF DETERMINATION PETITION WAS FILED BEFORE THE HON'BLE COMMISSION. FURTHER, SINCE THE FINANCIAL YEAR 2020-21 HAS COMPLETED AND THE PETITIONER HAS FINALIZED THE TOTAL CAPITAL EXPENDITURE FOR FINANCIAL YEAR 2019-20 BASED ON AUDITED ACCOUNTS AND				

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220 Chief Engineer (Commercial)
U.P.R.V.U.N.L. 14th Floor, Shakti Bhawan Extn.
Lucknow-225001

SUBMISSION	DATE OF SUBMISSION	DETAILS OF SUBMISSION				
		FINANCIAL YEAR 2020-21 BASED ON PROVISIONAL ACCOUNTS OF ANPARA D TPS.				
		HARDUAGANJ EXTENSION STAGE-II: HARDUAGANJ EXTENSION STAGE-III PROVISIONAL TARIFF APPLICATION SUBMITTED BEFORE THE HON'BLE COMMISSION WAS BASED ON EXPENDITURE INCURRED TILL 30TH SEPTEMBER 2020. SINCE NOW THE FINANCIAL YEAR 2020–21 HAS COMPLETED AND PETITIONER HEREBY SUBMIT PROVISIONAL TARIFF APPLICATION BASED ON STATUTORY AUDITOR CERTIFICATE AS ON 31ST MARCH 2021 AND TARIFF PROJECTIONS FOR THE PERIOD FY 2021-22 TO FY 2023-24.				
ADDITIONAL SUBMISSION-4	02-06-2022	HARDUAGANJ EXTENSION STAGE-II PROVISIONAL TARIFF APPLICATION SUBMITTED BEFORE THE HON'BLE COMMISSION WAS BASED ON EXPENDITURE INCURRED 31ST MARCH 2021. SINCE NOW THE HARDUAGANJ EXTENSION STAGE—II (660 MW) HAS ACHIEVED THE COD ON 9TH FEBRUARY 2022, PETITIONER SUBMITS THE EXPENDITURE UPTO COD BASED ON THE STATUTORY AUDITOR CERTIFICATE AS ON 8TH FEBRUARY 2022 (AS REQUIRED UNDER CLAUSE 15.3 OF UPERC GENERATION REGULATIONS, 2019) AND TARIFF PROJECTIONS FOR THE PERIOD FY 2022-23 TO FY 2023-24.				
RE- SUBMISSION OF MYT PETITION	02-12-2022	As PER DIRECTION OF HON'BLE COMMISSION ON DATE 03.11.2022 DURING HEARING ON PETITION NO. 1527/2019 FOR ARR & MULTI YEAR TARIFF OF VARIOUS THERMAL POWER STATIONS OF UPRVUNL FOR FY 2019-20 TO FY 2023-24 INCLUDING PROVISIONAL TARIFF OF HARDUAGANJ EXTENSION STAGE —II (1x660 MW) TO RE-SUBMIT THE ARR & MYT PETITIONS STATION WISE CONSIDERING THE CLOSING NUMBER BASED ON TRUE-UP ORDER DATED 05-09-2022 AND 03-10-2022 WITH SEPARATE COVERING LETTER, ACCORDINGLY UPRVUNL HAS SUBMITTED MYT PETITION				

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Lucknow-226001

SUBMISSION	DATE OF SUBMISSION	DETAILS OF SUBMISSION
		FOR THE PERIOD FY 2019-20 TO FY 2023-24 BASED ON BELOW:
		<ul> <li>FY 2019-20 AND FY 2020-21 BASED ON THE AUDITED ACCOUNTS</li> <li>FY 2021-22 BASED ON THE PROVISIONAL ACCOUNTS</li> <li>FY 2022-23 AND FY 2023-24 BASED ON THE PROJECTIONS</li> </ul>
Additional Submission 1	28-12-2022	THE HON'BLE COMMISSION IS REQUESTED TO PERMIT RECOVERY OF STATUTORY CHARGES LIKE WATER CESS, WATER COST, PAYMENT TO POLLUTION CONTROL BOARD, RATES AND TAXES, REGULATORY FEES, TAX ON INCOME INCLUDING FRINGE BENEFIT TAX, FOREST CESS, PAY COMMISSION REVISION IMPACT, OTHER FUEL RELATED COSTS, STATION SUPPLIES, LUBRICANTS AND CONSUMABLES CRITICAL TO THE GENERATING STATIONS, GRATUITY AND PROVIDENT FUND, FEES PAYABLE TO UPERC/CERC/CEA/UPSLDC ETC.

Reply to para 5 of counter: Duly filled Tariff Forms as sought by UPPCL are attached with the Rejoinder and details are as below:

# (a) Form 9Bi - Details of Assets Decapitalised during the year

 The Petitioner hereby submits the relevant Forms in accordance with the relevant provisions of the UPERC Tariff Regulations as applicable therein.

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Chief Engineer (Commercial)
U.P.R.V.U.N.L. 14th Floor, Shakti Bhawan Extn.
Lucknow-226001

### Reply to para 7 to 8 of counter: Means of Finance

- 2. Hon'ble Commission in its order dated 5<sup>th</sup> September 2022 and 3<sup>rd</sup> October 2022 had prescribed a normative approach of financing of the capital expenditure in the ratio of 70% debt and 30% equity in line with the Tariff Regulations. Further the allowable depreciation had been considered as normative loan repayment.
- 3. In order to maintain consistency in approach, the Petitioner has considered the aforementioned philosophy and calculated the normative debt and normative equity. The opening values of accumulated depreciation, normative loan and normative equity as on 1.4.2019 has been adopted from the true-up order for FY 2014-15 to FY 2018-19.
- 4. Further, UPRVUNL hereby submits that Actual Equity and Debt infusion will be claimed by UPRVUNL at the time of Truing-up of the TPS within the provisions of the UPERC Regulations.

# Reply to para 9 to 10 of counter: Return on Equity

5. Regulation 24(i) of the UPERC Generation Regulations, 2019 provides the base for determination of Return on Equity for the purpose of computation of fixed charges. The said regulations state that the Return on equity shall be computed in rupee terms on the equity base determined in accordance with this Regulation @15.0% per annum.

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Chief Engine (Dommercial)
P.R.Y.U.M.L. 14th Floor, Shakti Bhawan Extn.
Lucknow-226001

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- 6. The equity base for the thermal power station as on 01.04.2019 has been considered as the closing equity balance for FY 2018-19 as approved by Commission in its final true-up order for FY 2018-19. Thereafter 30% of the total capitalization has been considered to be funded from equity infusion in each year of the control period.
- 7. It is to humbly to bring to the attention of the Hon'ble Commission that based on the Government Order dated 31st July 2017 and subsequent adoption of the same by Board of Directors on 9th April 2018 of the Petitioner, the Petitioner would continue to bill the beneficiary considering the RoE at 2% Or at rate as decided by the BoD from time to time but within the ceiling of 15%.
- 8. Further, The Commission while disposing of True-up Petitions of UPRVUNL for previous control period FY 2014-15 to FY 2018-19 has allowed RoE as per the Regulations irrespective of the RoE considered for billing. True-up Orders have attained finality. As such Petitioner is seeking same dispensation for instant Petition too.
- 9. It is therefore submitted that the Hon'ble Commission may allow RoE as per the Generation Tariff Regulation 2019.
- 10. Further, UPRVUNL hereby submits that depreciation as per above submission may please be allowed.

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Chief Engineer (Commercial) U.P.R.V.U.M.L. 14th Floor, Shakti Bhawan Extn. Lurknow-226001

### Reply to para 11 to 12 of counter: Interest on Working Capital (IOWC)

11. Hon'ble Commission has provided the following norms for the purpose of calculating of the normative working capital for coal based generating stations:

### "(v) Interest on Working Capital

- (a) Working capital shall be allowed on a normative basis and for coal based generating stations shall include:
- (i) Cost of coal for 15 days for pit-head generating stations and 30 days for non-pit-head generating stations, corresponding to the target availability;
- (ii) Cost of coal for 30 days for generation corresponding to the target availability.
- (iii) Cost of secondary fuel oil for two months corresponding to the target availability and in case of use of more than one secondary fuel oil, cost of fuel oil stock for the main secondary fuel oil;
- (iv) Operation and Maintenance expenses for one month;
- (v) Maintenance spares @ 20% of operation and maintenance expenses; and
- (vi) Receivables equivalent to two months of capacity charges and energy charges for sale of electricity calculated on the target availability.
- (b) The cost of fuel in cases covered under sub-clauses (i) and (ii) of clause (a) of this regulation shall be based on the landed cost incurred (taking into account normative transit and handling losses) by the generating company and gross calorific value of the fuel (on

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Chief Engineer (Commondayan Exin. Lucknow-226001

'as received basis' as defined by the Central Electricity Regulatory Commission) for the three months preceding the first month of the period for which tariff is to be determined and no fuel price escalation shall be provided during the tariff period.

- 12. Further, Hon'ble Commission has issued Order on dated 11.01.2023 against the review Petition filed by Rosa Power Supply Company Limited in Petition No. 1849 & 1851 of 2022 in the matter of Review Petition under Section 94(1)(f) of the Electricity Act 2003, seeking review of the order dated 25.02.2022 passed in Petition No. 1529 of 2019 by Hon'ble Commission.
- 13. In the said order Commission has worked out Interest on working capital based on normative basis. The relevant extract of the order is reproduced below:
  - "21. The Commission has perused the records and finds that the actual PLF of the Plant is in the range of 42% to 83% as below:

22. The coal and fuel oil cost captured from the audited accounts for the purpose of Working Capital pertains to actual PLF and not the normative one @85%. There has been an inadvertent error that the cost of coal and fuel oil has been considered at lower PLF instead of 85%

PLF/availability on normative basis.



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- 25. Therefore, the Commission, in this Order, has revised the values of coal and secondary fuel oil, as above @ normative availability/PLF as per Regulations, 2014, for the purpose of IOWC, receivables and fixed charges"
- 14. In view of the provisions of the Tariff Regulations, the Petitioner request to the Hon'ble Commission may allow the Interest on Working Capital based on the Normative approach as per below table:

Particulars	2019-20 (Audited)		
PLF (%)	23.30%		
Primary Fuel			
Cost of Coal - as per financial Rs. Crore	92.32		
Cost of Coal - adjusted as per target availability	297.16		
Secondary Fuel			
Cost of Oil - as per financial Rs. Crore	4.07		
Cost of Oil - adjusted as per target availability	13.11		
Receivable (Rs Crore)			
Variable Charges	310.27		
Fixed Charges	105.06		
Total	415.32		

Particulars (Rs Crore)	2019-20 (Audited)
Cost of Coal for 30 days	24.42
Cost of actual Secondary Fuel Oil for 2 Months	2.19
O&M for 1 Month	3.52
Maintenance Spares @20% of O&M Expenses	8.44
Receivables equivalent to 45 days of Capacity and Energy Charges	51.20
Working Capital	89.78
Rate of Interest	12.05%
IoWC	10.82



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It is most respectfully prayed that the Hon'ble Commission may decide the present MYT petition based on the all the submissions made so far. The Hon'ble Commission is requested to permit the applicant to add /change /modify / alter this rejoinder and make further submissions as may be required at later stages. The Hon'ble Commission is requested to Pass such orders as Hon'ble Commission may deem fit and proper and necessary in the facts and circumstances of the case, to grant relief to the Petitioner.

DEPONE (Northmercial)
U.P.R.V.U.N.L. 14th Floor, Shakti Bhawan Extr.
Lucknow-226001

#### VERIFICATION

I, the above named deponent, do hereby verify that the contents of this affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified by me on this date of , at Lucknow.

Ry 31, Suyon,

DEPONENT

Chief Engineer (Commercial)
U.P.R.Y.U.N.L. 14th Floor, Shakti Bhawan Extn.
Lucknow-226001

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#### Details of Assets De-capitalized during the period

Name of the Company Name of the Power Station

#### UP RAJYA VIDYUT UTPADAN NIGAM LIMITED Parichha U#2 TPS

SI.No.	Name of the Asset	Nature of de-capitlization (whether claimed under exclusion or as additional capital expenditure)	Original Value of the Asset Capitalised	Year Put to use	Depreciation recovered till date of de- capitalization
(1)	(2)	(3)	(4)	(5)	
1	LAND & LAND RIGHTS		3.64	2011-12	3.28
2	LAND OWNED UNDER FULL TITLE		0.02	2011-12	0.02
3	LAND HELED UNDER LEASE		0.00	2011-12	0.00
4	BUILDINGS		41.61	2011-12	37.45
5	BLDGS-THERMO-ELECT.GENE.PLANT		0.65	2011-12	0.59
6	OFFICE BULDINGS		0.00	2011-12	0.00
7	RESIDENTIAL COLONY FOR STAFF		0.11	2011-12	0.10
8	OTHER BUILDINGS		0.45	2011-12	0.41
9	HYDRAULIC WORKS		3.32	2011-12	2.99
10	OTHER CIVIL WORK		22.03	2011-12	19.83
11	PLANT & MACHINERY		109.62	2011-12	98.66
12	BOILER PLANT & EQUIPMENT		134.64	2011-12	121.18
13	TURBINE GEN. STEAM PWR GENE.		13.96	2011-12	12.57
14	AUXILARIES IN STEAM PWR PLANT		49.67	2011-12	44.71
15	COAL HANDLING PLANT		50.13	2011-12	45.12
16	PLT-FOUNDTN HYDEL PWR-GENE-PLT		0.01	2011-12	0.01
17	TRANS PLT TRANFS RATING 100KVA		0.13	2011-12	0.12
18	MATERIALS HANDLG EQPT-EARTH HOVER		0.00	2011-12	0.00
19	SWITCH GEAR INCDG CABLE CONNTS		8.72	2011-12	7.85
20	BATTERIES INCLU. CHARG EQPT	Decaptilisation	7.37	2011-12	6.63
21	COMMU. EQPT TELEPH. & TELE		27.89	2011-12	25.10
22	TOOLS & TACKLES		2.02	2011-12	1.81
23	OTHER MISC. EQPT.		0.03	2011-12	0.02
24	LINES CABLE NETWORK ETC.		3.35	2011-12	3.01
25	VEHICLES		0.35	2011-12	0.32
26	VEHICLES		0.00	2011-12	0.00
27	HEAVY VEHICLES		0.00	2011-12	0.00
28	JEEPS & MOTER CARS		0.00	2011-12	0.00
29	OTHERS VEHICLES		0.16	2011-12	0.15
30	FURNITURES & FIXTURES		0.29	2011-12	0.26
31	FURNITURES & FIXTURES		0.00	2011-12	0.00
32	FURNITURES & FIXTURES USED IN HOTEL		0.07	2011-12	0.06
33	OFFICE EQPT		1.47	2011-12	1.32
34	OFFICE EQPT.		0.16	2011-12	0.14
35	PHOTOSTAT MACH.		0.00	2011-12	0.00
36	COMPUTER		0.11	2011-12	0.10
37	OTHER		0.03	2011-12	0.03
38	CAPITAL SPARES		4.74	2011-12	4.26
39	ALLOCATION OF HQ GFA BALANCE		0.14	2011-12	0.13
33	The service of the se	TOTAL	486.91		

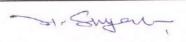
Note

Year wise detail need to be submitted.

Petitioner

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Chief Engineer (Commercial)
U.P.R.Y.U.N.L. 14th Floor, Shokti Bhawan Extr.
Lucknow-226001