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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY

NOTIFICATION

Islamabad, the 17th October, 2024

S. R. O. 2035(I)/2024.—In pursuance of Sub-Section 7 of Section 31 of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997 (XL of 1997), NEPRA hereby notifies the 'Decision of the Authority dated August 29, 2024 in the matter of Reimbursement Request made by Central Power Generation Company Limited for 747 MW Combined Cycle Power Project at Guddu (CPGCL-Guddu) on account of Income Tax paid to the Federal Board of Revenue' in Case No. NEPRA/TRF-322/CPGCL-2015.

2. While effecting the Decision, the concerned entities including Central Power Purchasing Agency Guarantee Limited (CPPAGL) shall keep in view and strictly comply with the orders of the courts notwithstanding this Decision.

[No. NEPRA/TRF-322/CPGCL-2015/15701-03.]

WASIM ANWAR BHINDER,
Registrar.

Price: Rs. 5.00

[10198 (2024)/Ex. Gaz.]

DECISION OF THE AUTHORITY IN THE MATTER OF REIMBURSEMENT REQUEST MADE BY CENTRAL POWER GENERATION COMPANY LIMITED FOR 747 MW COMBINED CYCLE POWER PROJECT AT GUDDU (CPGCL-GUDDU) ON ACCOUNT OF INCOME TAX PAID TO THE FEDERAL BOARD OF REVENUE (FBR).

1. Central Power Generation Company Limited for its 747 MW combined cycle power project at Guddu (hereinafter refer as "CPGCL-Guddu") requested for approval of reimbursement of advance income tax amount of Rs. 382,023,063/- on account of 1.25% minimum tax on turnover for tax year 2022 i.e. July 2021 to June 2022, paid to the Federal Board of Revenue (FBR) under Section 137 of the Income Tax Ordinance. CPGCL-Guddu in support of its claim submitted the CPR IT-20230131-0101-2434331. CPGCL-Guddu further submitted that out of Rs. 572,321,572/- tax paid, an amount of Rs. 382,023,063/- pertains to Guddu 747 MW.

2. As per the Para 4.9(v) of the decision of the Authority dated April 7, 2017 notified vide S.R.O No. 448(I)/2017 dated May 30, 2017 in the matter of Motion for Leave for Review, *in case the company is obligated to pay any tax on its income from generation of electricity, or any duties and/or taxes, not being of refundable nature, are imposed on the company, the exact amount paid by the company on these accounts shall be reimbursed on production of original receipts. This payment shall be consider as a pass-through payment. However, withholding tax on dividend shall not passed through.*

3. Accordingly, the Authority in its collective and joint wisdom considering all aspects decided with consensus as under; which will be hereafter called as decision of Authority in the matter:-

   "Based on information and documentary evidence(s) provided by CPGCL-Guddu, an amount of Rs. 382,023,063/- is being allowed to claim from Central Power Purchasing Agency Guarantee Limited on account of tax amount paid to FBR."

4. The above decision of the Authority is to be notified in the Official Gazette, in accordance with the provision of Section 31(7) of the Regulation of Generation, Transmission and Distribution of Electric Power Act, 1997.

5. CPPA-G to ensure that all payments are consistent with the tariff determination(s).

AUTHORITY

Mathar Niaz Rana (nsc)
Member

Engr. Maqsood Anwar Khan
Member

Engr. Rafique Ahmed Shaikh
Member

Amina Ahmed
Member

Waseem Mukhtar
Chairman

NATIONAL ELECTRIC POWER REGULATORY AUTHORITY
NEPRA
AUTHORITY

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