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**ORDER**  
**(DATE OF HEARING: 3.7.2003)**

In this petition, filed under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, the petitioner has sought a direction to Respondent No.9, that is, Uttaranchal Power Corporation Ltd. (UPCL) "to share transmission tariff for this scheme (Rihand Stage II Transmission System) and sign the agreement accordingly and pass such order as is appropriate under the circumstances of the case and in the interest of justice to all the respondents in the region". The petition was listed for admission.

2. According to the petitioner, it has been entrusted with the implementation of Rihand-II Transmission System in Northern Region for evacuation of power generated from the Rihand Stage II STPS which was agreed to by all the constituents of Northern Region in 10<sup>th</sup> Standing Committee of the Region held on 16.5.2000. The investment approval and expenditure sanction for construction and implementation of the Transmission System was accorded by Ministry of Power vide its letter dated 9.12.2002. The petitioner is stated to have taken steps for implementation of the Transmission System, envisaged as a regional scheme, with the consent of all the constituents in the Region. Meanwhile, State of Uttaranchal has been carved out of erstwhile State of Uttar Pradesh in terms of Uttar Pradesh (Reorganisation) Act, 2000. Respondent No.9, UPCL, for the newly created State of Uttaranchal, has not signed Bulk Power Transmission Agreement (BPTA) with the petitioner on the ground that it is not a beneficiary of Rihand Stage II STPS. The matter was discussed in 129<sup>th</sup> meeting of NREB held on

14.12.2002 when it was decided that the petitioner would file a petition in the matter before the Commission and based on the Commission's decision, Respondent No.9, UPCL would take necessary action for signing of BPTA. It was further resolved at the said meeting that in case Respondent No.9, UPCL was exempted by the Commission from sharing the cost of Rihand Stage II Transmission System, the other beneficiary States would bear the cost of this transmission project. It has been submitted on behalf of the petitioner that all major transmission schemes implemented by it are of regional nature and have the concurrence of all constituents at the planning stage itself. It is further submitted that the benefits of enhanced capacity and improved system operation, including grid security are common to all the regional constituents and, therefore, it is necessary that all constituents of the region, including Respondent No.9, UPCL should share the pooled transmission charges in the Region. The prayers made in the petition are to be seen in the background of above factual matrix.

3. As noticed above, the petition has been filed under Regulation 86, according to which the utilities engaged in generation or transmission of electricity shall submit their proposals for tariff, for approval of the Commission in accordance with the prescribed procedure. The present petition is not for approval of tariff, though the direction sought to Respondent No.9, UPCL is for sharing of the transmission tariff. In our opinion, such a direction can be considered only when a formal proposal for approval of transmission tariff is before the Commission. Though the petitioner has sought a further direction to Respondent No.9, UPCL to sign BPTA., we do not propose to consider this matter also at this

stage. We are of the considered view that the directions sought by the petitioner can be looked into in a petition for approval of tariff. In our view, the present petition is premature as the Transmission System has not yet been commissioned and is likely to take 2 years or even more for this purpose. There is no cause of action for filing of the petition at this stage. Accordingly, the petition is disposed of at admission stage itself without any directions to the respondents in terms of the prayer made therein.

Sd/-  
**(G.S. RAJAMANI)**  
**MEMBER**

Sd/-  
**(ASHOK BASU)**  
**CHAIRMAN**

New Delhi dated the 9<sup>th</sup> July 2003