

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Coram: Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member**

Date of Order: 26.9.2012

Petition No. 224/TT/2012

IN THE MATTER OF

Petition for determination of transmission tariff from anticipated date of commercial operation 1.9.2012 to 31.3.2014 under applicable provisions of the CERC (Terms and Conditions of Tariff) Regulations, 2009 read with Regulation 86 of CERC (Conduct of Business) Regulations, 1999.

AND IN THE MATTER OF

North-East Transmission Company Ltd.

...**Petitioner**

Vs

1. Tripura State Electricity Corporation Ltd., Agartala
2. Assam Electricity Grid Corporation Ltd., Guwahati
3. Meghalaya State Electricity Board, Shillong
4. Department of Power, Government of Nagaland, Kohima
5. Power & Electricity Department, Government of Mizoram, Aizwal
6. Electricity Department, Government of Manipur, Imphal
7. Department of Power, Government of Arunachal Pradesh, Itanagar
8. ONGC Tripura Power Company Ltd., Agartala, Tripura
9. North Eastern Regional Power Committee, Shillong

... **Respondents**

ORDER

In the instant petition, the petitioner, North-East Transmission Company Ltd., has sought approval for Asset: I, 400 kv D/C Pallatana-Silchar Twin Moose Conductor line, Asset:II 400 kv D/C Silchar-Byrnihat Twin Moose Conductor line and Asset:III, 400 kv D/C Byrnihat-Bongaigaon Twin Moose Conductor line from 1.9.2012

to 31.3.2014 based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, as amended from time to time (hereinafter referred to as "the 2009 regulations").

2. Regulation 5 of the 2009 regulations provides as under:-

"Application for determination of tariff. (1) *The generating company or the transmission licensee, as the case may be, may make an application for determination of tariff in accordance with Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004, as amended from time to time or any statutory re-enactment thereof, in respect of the units of the generating station or the transmission lines or sub-stations of the transmission system, completed or projected to be completed within six months from the date of application.*

(2) *The generating company or the transmission licensee, as the case may be, shall make an application as per **Appendix I** to these regulations, 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 or the transmission system:*

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 31.3.2009 and estimated additional capital expenditure for the respective years of the tariff period 2009-14:

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

(3) *In case of the existing projects, the generating company or the transmission licensee, as the case may be, shall continue to provisionally bill the beneficiaries or the long-term customers with the tariff approved by the Commission and applicable as on 31.3.2009 for the period starting from 1.4.2009 till approval of tariff by the Commission in accordance these regulations:*

Provided that where the tariff provisionally billed exceeds or falls short of the final tariff approved by the Commission under these regulations, the generating company or the transmission licensee, as the case may be, shall refund to or recover from the beneficiaries or the transmission customers, as the case may be, within six months with simple interest at the following rates for the period from the date of provisional billing to the date of issue of the final tariff order of the Commission:

- (i) SBI short-term Prime Lending rate as on 1.4.2009 for the year 2009-10.*
- (ii) SBI Base Rate as on 1.7.2010 plus 350 basis points for the year 2010-11.*
- (iii) Monthly average SBI Base Rate from 1.7.2010 to 31.3.2011 plus 350 basis points for the year 2011-12.*
- (iv) Monthly average SBI Base Rate during previous year plus 350 basis points for the year 2012-13 and 2013-14.*

Provided that in cases where tariff has already been determined on the date of issue of this notification, the above provisions, to the extent of change in interest rate, shall be given effect to by the parties themselves and discrepancy, if any, shall be corrected at the time of truing up.

(4) *Where application for determination of tariff of an existing or a new project has been filed before the Commission in accordance with clauses (1) and (2) of this regulation, the*

Commission may consider in its discretion to grant provisional tariff upto 95% of the annual fixed cost of the project claimed in the application subject to adjustment as per proviso to clause (3) of this regulation after the final tariff order has been issued:

Provided that recovery of capacity charge and energy charge or transmission charge, as the case may be, in respect of the existing or new project for which provisional tariff has been granted shall be made in accordance with the relevant provisions of these regulations."

3. As per Regulation 5(4) of the 2009 regulations, the Commission may in its discretion grant provisional tariff if an application has been filed under Regulation 5(1) and (2) of the 2009 regulations. Regulation 5(1) of the 2009 regulations provides that the application for tariff should be made in accordance with the Central Electricity Regulatory Commission (Procedure for making of application for determination of tariff, publication of the application and other related matters) Regulations, 2004 (hereinafter referred to as "2004 regulations"). Regulation 5(2) of 2009 regulations provides that the application shall be made as per Appendix to the 2009 regulations.

4. The petitioner has made the application as per the Appendix to the 2009 regulations. The petitioner has also complied with the requirements of 2004 regulations, such as service of the copy of the application on the beneficiaries, publication of notice and web hosting of the application, etc.

5. The petitioner has claimed the following annual transmission charges as per the petition:-

(` in lakh)

Asset	DOCO/Anticipated DOCO	2012-13 (Pro-rata)	2013-14
Asset:1- 400 kv D/C Pallatana-Silchar Twin Moose Conductor line,	1.9.2012	11009.54	18272.46
Asset:II- 400 kv D/C Silchar-Byrnihat Twin Moose Conductor line and	1.1.2013	9201.06	16998.32
Asset:III- 400 kv D/C Byrnihat-Bongaigaon Twin Moose Conductor line	1.4.2013	0.00	15658.86

6. After prudence check, provisional annual transmission charges for the period 2009-14 in respect of the transmission assets are allowed as under:-

(` in lakh)

Asset	DOCO/ Anticipated DOCO	2012-13 (Pro-rata)	2013-14
Asset:1- 400 kv D/C Pallatana-Silchar Twin Moose Conductor line,	1.9.2012	9358.11	15531.59
Asset:II- 400 kv D/C Silchar-Byrnihat Twin Moose Conductor line and	1.1.2013	7820.90	14448.57
Asset:III- 400 kv D/C Byrnihat-Bongaigaon Twin Moose Conductor line	1.4.2013	0.00	13310.03

7. The billing, collection and disbursement of the provisional transmission charges allowed in this order shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010, as amended from time to time.

8. The transmission charges approved above shall be applicable from the actual date of commercial operation. Further, the provisional transmission charges allowed shall be subject to adjustment as per of Regulation 5 of the 2009 regulations.

Sd/-
(M. Deena Dayalan)
Member

Sd/-
(V.S. Verma)
Member

Sd/-
(S. Jayaraman)
Member

Sd/-
(Dr. Pramod Deo)
Chairperson