

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**Petition No. 106/TT/ 2012**

**Coram:**

**Dr. Pramod Deo, Chairperson**

**Shri S. Jayaraman, Member**

**Shri V. S.Verma, Member**

**Shri M. Deena Dayalan, Member**

**DATE OF ORDER: 24.5.2012**

**In the matter of**

Determination of transmission tariff of LILO point Jhanor (Gandhar)-Dehgam line to 400 kV S/S of PGCIL at Pirana (Kamod) with LILO of 400 kV Pirana sub-station of TPS the period from 1.4.2011 to 31.3.2014 based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009.

**And**

**In the matter of**

Torrent Power Grid Limited, Ahmeadabad

**..Petitioner**

1. Torrent Power Limited, Ahmedabad
2. Power grid Corporation of India Limited, Gurgaon
3. Western Regional Power Committee, Mumbai
4. PTC India Ltd., New Delhi
5. M.P. Power Trading Company Limited, Jabalpur
6. Gujarat Urja Vikas Nigam Limited, Vadodara
7. Maharashtra State Electricity Distribution Co. Ltd., Mumbai
8. Chhattisgarh State Power Transmission Co. Ltd., Raipur
9. Goa Electricity Department, Govt of Goa, Panaji
10. Secretary, UT of Dadra Nagar Haveli, Silvassa
11. Secretary, UT of Daman and Diu, Moti Daman.

**Respondents**

**ORDER**

In this petition, the petitioner, Torrent Power Grid Limited has sought approval for transmission tariff in respect of LILO point Jhanor



(Gandhar)-Dehgam line to 400 k V S/S of PGCIL at Pirana (Kamod) with LIL of 400 k V Pirana sub-station (hereinafter referred to as 'the transmission asset') of TPS the period from 1.4.2011 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"). Further, the petitioner has requested, to approve provisional tariff as per 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*

*along 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 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 up to 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 transmission line was declared under commercial operation w. e f. 1.4.2011 and the beneficiaries are drawing power through the transmission line. Therefore, in exercise of power under Regulation 5(4) of the 2009 regulations, we have decided to grant provisional tariff to the petitioner for its transmission asset. While deciding the admissibility of provisional tariff, the Commission has categorized the assets on the basis of the vintage, time overrun, quantum of additional capital expenditure claimed, etc and has applied a reasonable percentage to the annual transmission charges claimed, to arrive at the provisional tariff.

6. The annual transmission charges claimed by the petitioner for the period 2009-14 are as given under:-

**( ₹ in lakh)**

<b>Assets</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
LILO point Jhanor (Gandhar)-Dehgam line to 400 kV S/S of PGCIL at Pirana (Kamod) with LILO of 400 kV Pirana sub-station of TPS	3900.68	4032.94	3920.52

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

Assets	(₹ in lakh)		
	2011-12	2012-13	2013-14
LILO point Jhanor (Gandhar)-Dehgam line to 400 kV S/S of PGCIL at Pirana (Kamod) with LILO of 400 kV Pirana sub-station of TPS	3315.58	3428.00	3332.44

8. The provisional transmission charges allowed shall be recovered on monthly basis in accordance with Regulation 33 and shared by the beneficiaries in accordance with Regulation 33 of the 2009 regulations upto 30.6.2011. With effect from 1.7.2011, the billing, collection and disbursement of the transmission charges shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-State Transmissions Charges and Losses) Regulations, 2010.

9. The provisional transmission charges allowed in this order shall be subject to adjustment as per Regulation 5 (4) of the 2009 regulations.

Sd/-	sd/-	sd/-	sd/-
<b>(M.DEENA DAYALAN)</b> MEMBER	<b>(V.S.VERMA)</b> MEMBER	<b>(S.JAYARAMAN)</b> MEMBER	<b>(Dr. PRAMOD DEO)</b> CHAIRPERSON