

CENTRAL ELECTRICITY REGULATORY COMMISSION

Petition No .135/2011

Sub: Petition for remedies under Section 62 and 79 (1) (c) and (d) of the Electricity Act, 2003 read with Regulation 3 (12) (c) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 and Regulations 24, 111 to 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as applicable to (a) Parbati-Koldam 400 kV (Quad) Moose Conductor) 2 x S/C transmission line and (b) Koldam-Ludhiana 400 kV D/C (Triple snowbird Conductor) transmission line.

Date of hearing : 28.2.2012

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

Petitioner : Parbati Koldam Transmission Company Limited

Respondents BSES Rajdhani Power Limited & Others

Parties present : 1. Shri Amit Kapur, Advocate for the petitioner
2. Shri Vishal Anand, Advocate for the petitioner
3. Shri Lokendra Ranawat , Advocate for the petitioner
4. Shri S.K.Deb, PKTCL
5. Shri Ramesh Bahri, PKTCL
6. Shri Lokendra Singh , PKTCL
7. Shri Krishan Singh, PKTCL
8. Shri Babu, NHPC
9. Shri Sanjay Srivastava, BYPL
10. Shri Mukesh Khanna, PGCIL

Record of Proceedings

Learned Counsel for the petitioner submitted that as per para 12 and 13 of the minutes of the 30th meeting of the Standing Committee on Power System Planning of Northern Region held on 19.12.2011, it was decided that Parbati Koldam Transmission Company Ltd (PKTCL) would make all efforts to complete one circuit of Parbati -III- Koldam 400 kV Quad line by July, 2012 and the other circuit in the next 4-5 months and the payment of transmission charges in respect of the said line would be from the date of commissioning. Similarly, 400 kV D/C Koldam Ludhiana Transmission Line was to be completed by PKTCL by March, 2013. The Learned Counsel submitted that the position taken by NHPC in its reply does not take away the right of the petitioner to

claim tariff of the transmission line from the date of commissioning as decided in the Standing Committee on Power System Planning.

2. The Learned Counsel for the petitioner relied on Clause 13.2 of the NRPC (Conduct of Business Rules 2006) and Resolution of Ministry of Power dated 25.5.2005 issued under Sections 2(55) and 29(4) of the Electricity Act, 2003 and submitted that the decision taken by the NRPC is binding on NHPC.

3. In response to the query of the Commission about the relief sought in the present petition when the transmission line has not been commissioned, the learned counsel submitted that the petitioner has made investment for creation of the transmission assets which should be serviced by the beneficiary as and when it is ready. The Learned Counsel further submitted that on account of delay in commissioning of the generation project for which the transmission system has been built, the petitioner has approached for approval of the Commission for approval of COD in terms of the Regulation 3(12)(c) of the 2009 Tariff Regulation.

4. The Commission observed that the petitioner should place all the relevant facts on record in his application for determination of tariff for the transmission system which would be considered on merits including the reasons for delay in commissioning of the transmission system.

5. The representative of PKTCL submitted that the licence was granted by the Commission for evacuation of power from Parbati HEP and Koldam HEP. However, the original scope of the project has been changed to include evacuation of power from Parbati-III HEP. The Commission observed that the petitioner may seek amendment of its licence if so desired to include the modified scope of the transmission system for evacuation of power from Parbati -III HEP in accordance with the applicable regulations.

6. The Commission further directed the staff of the Commission to take on record all submissions made during the hearing.

7. The order in the petition was reserved.

Sd/-
(T. Rout)
Joint Chief (Legal)