

**Central Electricity Regulatory Commission
New Delhi**

Coram: Shri S. Jayaraman, Member
Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member

RECORD OF PROCEEDINGS

Petition No. 2/TT/2011

Petition No. 57/TT/2011

Subject: Approval of date of commercial operation for determination of transmission tariff

(a) from proposed date of commercial operation to 31.3.2014 for Koldam-Nalagarh 400 kV (Quad) Line along with bays at Nalagarh Sub-station under transmission system associated with Koldam Hydro-Electric Project for 2009-14 in Northern Region (Petition No. 2/TT/2011)

(b) for combined assets of Koldam-Nalagarh 400 kV (Quad) line along with bays at Nalagarh Sub-station (proposed date of commercial operation: 1.4.2010) and bays at Ludhiana (anticipated date of commercial operation: 1.3.2011) under transmission system associated with Koldam Hydro-Electric Project for 2009-14 in Northern Region (Petition No. 57/TT/2011)

Date of Hearing: 6.3.2012

Petitioner: PGCIL, New Delhi

Respondents: Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & 16 others

Parties present: Shri S.S. Raju, PGCIL
Shri Rajeev Gupta, PGCIL
Shri Mukesh Khanna, PGCIL
Shri Prashant Sharma, PGCIL
Shri M.M. Mondal, PGCIL
Shri R.B. Sharma, Advocate for BRPL
Shri Sanjay Srivastav, BRPL
Shri T.P.S. Bawa, PSPCL

The representative of the petitioner submitted as under:-

- (a) As per the investment approval given by the Ministry of Power, Government of India, the transmission system of Koldam Hydro Electric Project was scheduled for completion in 36 months from the date of investment approval (7.9.2005) to match the commissioning schedule of Koldam Generation Project;
- (b) The petitioner, PGCIL, commenced the work of transmission line keeping in view the commissioning schedule of Koldam Generation Project as 2008-09. However, the generation project was first rescheduled to 2010, and subsequently, as per deliberations in 26th Standing committee on Transmission System Planning in Northern Region held on 13.10.2008, again rescheduled to March 2012;
- (c) PGCIL had to slow down the work in view of the delay in the commissioning of the generation project. When it was not feasible to delay the transmission line beyond a point due to contractual obligations, the petitioner was constrained to complete the construction activities on 31.3.2010 and approached the Commission for approval of date of commercial operation as 1.4.2010 for Koldam-Nalagarh 400 kV D/C (Quad) Line along with bays at Nalagarh Sub-station covered in Petition No. 2/TT/2011. The petitioner also completed asset covered in Petition No. 57/TT/2011 on 21.3.2011 and approached the Commission for approval of date of commercial operation as 1.4.2011;
- (d) In the indemnification agreement signed with NTPC, the generating company, the zero date was 1.7.2009. This zero date was not extended further. Since no further agreement existed with NTPC, no compensation was received from them;

2. On a query of the Commission, the representative of the petitioner submitted that they subsequently impleaded NTPC as a party in the present petition.

3. The learned counsel for BRPL, respondent No. 12, submitted as under:-

- (a) Regulation 3(12)(c) of the 2009 regulations is not applicable in this case as generating station has not been commissioned and hence no power is flowing through these lines implying that the lines are not ready for regular use;

- (b) The petitioner, PGCIL, in its capacity as central transmission utility (CTU) in terms of Section 38(2)(b) of the Electricity Act, 2003, is responsible for coordination with various entities including the generating companies. Similarly, in terms of Section 10(3)(b) of the Electricity Act, 2003, generating company is responsible for coordination with CTU for transmission of electricity generated by it. Since the petitioner and the generating company both were responsible for coordination, the mismatch of the transmission system with generating station is not reasonable, and hence no case for approval of date of commercial operation is made out in the present petitions;
- (c) The Hon'ble Appellate Tribunal for Electricity in its judgment in Appeal No. 65 of 2011 has upheld the decision of this Commission disallowing IDC and IEDC for the period of delay in commissioning of transmission system due to delay in generation.

4. The representative of Punjab State Power Corporation Ltd. (PSPCL), respondent No. 6, submitted that as per investment approval the assets covered in these petitions had to be commissioned matching with generation. The assets commissioned earlier are idle for two years. Since the assets are idle due to delay in the commissioning of NTPC's generating station, NTPC should bear the transmission charges. As regards Petition No. 57/TT/2011, the representative of PSPCL submitted that since the petitioner was present in the 26th Standing Committee Meeting of Northern Region, where the delay in the commissioning of the Koldam-Ludhiana line was deliberated, the early commissioning of the bays at Ludhiana and the request for approval of date of commercial operation for all the assets in the petition was not reasonable.

5. The Commission directed the petitioner to file rejoinder, if any, to the replies filed by respondents, by 5.4.2012.

6. Order in the petition was reserved.

By order of the Commission

Sd/

(T. Rout)
Joint Chief (Law)
20.3.2012