

CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI

Petition No. 267/2010

Subject : Determination of transmission tariff for Barh-Balia 400 kV D/C (Quad) line under transmission system associated with Barh Generation Project (3X660 MW) in Eastern Region from date of commercial operation (1.7.2010) to 31.3.2014.

Petition No. 227/2013

Subject : Determination of revised transmission tariff for Barh-Balia 400 kV (quad) line alongwith associated bays at Balia S/s after approval of revised cost estimate under transmission system associated with barh generation project (3X660 MW) in Eastern Region from DOCO (1.7.2010) to 31.3.2014

Date of hearing : 29.10.2013

Coram : Shri Gireesh B.Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : PGCIL, New Delhi

Respondents : Uttar Pradesh Power Corporation Ltd. & 16 others

Parties present : Ms. Swapna Seshadri, Advocate, PGCIL
Shri U.K. Tyagi ,PGCIL
Shri S.S Raju, PGCIL
Shri A. M. Pavgi, ,PGCIL
Shri R.P. Padhi, PGCIL
Shri. M.M. Mondal, PGCIL
Shri Parshant Sharma, PGCIL
Shri Pradeep Mishra, Advocate, PSPCL
Shri Padamjit Singh, PSPCL



Shri T.P.S. Bawa, PSPCL
Shri R.B. Sharma, Advocate, BRPL

Record of Proceedings

Learned counsel for the petitioner submitted that:-

- a) The Commission determined the tariff for the assets covered in Petition No.267/2010 vide order dated 29.4.2011. PSPCL filed an appeal before the Appellate Tribunal of Electricity (hereinafter referred to as "the Tribunal"). The Tribunal set aside the Commission's order and remanded the matter back to the Commission by its Judgment dated 2.7.2012. The petitioner has filed an appeal before the Hon'ble Supreme Court against the Tribunal's judgement.
- b) The Hon'ble Supreme Court in its order dated 15.3.2013 in I.A. No. 3/2012 in Civil appeal No. 9193/2012 has stayed the proceeding before the Commission during the pendency of the appeal. Meanwhile, the Revised Cost Estimate (RCE) has been approved by the petitioner's Board and the petitioner has filed a fresh petition i.e. Petition No. 227/TT/2013 before the Commission for allowing revised tariff considering the RCE.
- c) The petitioner further filed IA No. 6 in Civil appeal No. 9193/2012 before the Hon'ble Supreme Court for modification of order dated 15.3.2013 and the Hon'ble Supreme Court, by order dated 8.10.2013 directed the Commission to proceed with the determination of transmission tariff for the Barh-Balia transmission system during the pendency of the appeal.
- d) Revised provisional tariff considering the RCE may be allowed.

2. Learned counsel for PSPCL has submitted that the issue of date of commercial operation of the assets covered in Petition No. 267/2010 has to be decided by the Commission in view of the Tribunal's judgement dated 2.7.2012, before the tariff is revised by the Commission as prayed by the petitioner in Petition 227/TT/2013. Learned counsel further submitted that the petitioner has not supplied the respondents Form 5D mentioned in the revised petition. Learned counsel further submitted that apportioned approved cost of the transmission line should be provided to the respondents. The Commission directed the petitioner to provide all the information and documents to the respondents.



3. The learned counsel for BRPL submitted that the date of commercial operation was considered as 1.7.2010 while approving tariff in Petition No.267/2010 and that requires to be revised in view of the Tribunal's judgement dated 2.7.2012. He further submitted that there is no need to revise the provisional tariff already approved by the Commission in Petition No.267/2010.

4. The learned counsel for the petitioner clarified that Form 5D has been filed along with the affidavit dated 25.10.2013 and the same shall be provided to the respondents. She further requested to revise the provisional tariff already granted in Petition No.267/2010 as there has been substantial increase in the cost of the assets and the arrears are accumulating.

5. The Commission directed the petitioner to submit the following information on affidavit, before 15.11.2013, with a copy to the respondents:-

- a) Auditor's certificate indicating capital cost as on 1.9.2011 along with the IDC/IEDC, and additional capital expenditure thereafter.
- b) Revised forms (including Form-5D indicating all the assets of the Barh Transmission System) as on 1.9.2011 for tariff computation.
- c) After the submission of RCE, the Total Estimated Completion cost (₹72106.63 lakh) of the asset, Barh – Balia 400 kV D/C (Quad) line exceeds the apportioned approved cost (₹70744.00 lakh). It may be clarified why the estimated completion cost of the asset is in excess of the apportioned approved cost even after submission of RCE.
- d) Submit a copy of Board's resolution approving the Revised Cost Estimates, duly certified by Company Secretary.

6. The Commission directed the petitioner to implead NTPC in Petition No.267/2010 and serve copy of the petition and the replies received from the respondents and other related documents on NTPC by 15.11.2013.

7. The Commission directed the respondents to file their reply by 22.11.2013. The petitioner may file rejoinder, if any, within one week thereafter.

8. The Commission further directed to list both the petitions for hearing on 10.12.2013.

By the order of the Commission,

sd/-
T. Rout
Chief (Law)

