

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.15/Suo-Motu/2012**

**Coram:**

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri V.S.Verma, Member**
- 3. Shri M.Deena Dayalan, Member**

**Date of Hearing: 9.4.2013**

**Date of Order : 25.4.2013**

**In the matter of**

Determination of tariff of the natural inter-state transmission lines.

**And**

**In the matter of**

Non-compliance of Commission's directions in orders dated 14.3.2012 and 21.8.2012.

**And**

**In the matter of:**

1. Chairman and Managing Director, Punjab State Transmission Corporation Ltd (PSTCL), Patiala
2. Managing Director, Haryana Vidyut Prasaran Nigam Ltd. (HVPNL), Haryana
3. Chairman and Managing Director, Uttar Pradesh Power Transmission Corporation Ltd. (UPPTCL), Lucknow
4. Development Commissioner, Power Development Department (J&K), Srinagar
5. Chief Engineer, UT of Chandigarh (Electricity Department, 1st Floor), Sector – 9D, Chandigarh
6. Chairman & Managing Director, West Bengal State Electricity Transmission Co. Ltd. (WBSETCL), Vidyut Bhavan, Kolkata
7. Chairman, Bihar State Electricity Board (BSEB), Vidyut Bhavan, Patna
8. Chairman, Jharkhand State Electricity Board (JSEB), Engineering Bhavan, Ranchi
9. Chairman, Damodar Valley Corporation(DVC), DVC Tower, Kolkata
10. Secretary, Energy & Power Department, Government of Sikkim, Gangtok
11. Chief Engineer (Power), Electricity Deptt., Government of Nagaland, Kohima
12. Chief Engineer, Power & Electricity Department, Government of Mizoram, Khatla, Aizawl.

13. Chief Engineer (Power), Department of Power, Government of Arunachal Pradesh, Vidyut Bhawan, Itanagar.
14. Chairman & Managing Director, MSETCL, 'Prakashganga', C-19, E-Block, Bandra Kurla Complex, Bandra (E), Mumbai.
15. Managing Director, Gujarat Energy Transmission Corporation Ltd (GETCO), Sardar Patel Vidyut Bhavan, Race Course, Vadodara, Gujarat.
16. Chairman, Chhattisgarh State Power Transmission Co. Ltd. (CSPTCL), Banganiya, Raipur.
17. Chief Electrical Engineer, Electricity Department, Government of Goa, Vidyut Bhavan, Goa.
18. Chairman, KSEB, Vidyuthi Bhavanam, Pattom, Thiruvananthapuram.
19. Superintending Engineer-I (Electricity), Electricity Department, Government of Puducherry, Puducherry.
20. Secretary (P), UT of Dadra Nagar Haveli Silvassa.
21. Secretary (P), UT of Daman & Diu, Moti Daman, D&D. ...**Respondents**

**Following were present:**

Shri S.C. Saxena, NLDC  
Shri S.S. Barpanda, NLDC  
Ms. Joyti Prasad, NLDC  
Shri D.K. Chawda, CSPTCL  
Shri Balwinder Kumar, PSTCL  
Shri M.C. Walke  
Shri Anand K. Shrivastawa, Advocate for WBSETCL  
Shri S.H. Upadhyay, GETCO  
Shri Anand K. Ganeshan, Advocate, KPTCL, SLDC, PCICL  
GETCO  
Shri P.Kumar, HVV PNL  
Shri Sakya S. Chaudhuri, Advocate  
Ms Suparna Srivastava, Advocate, CSPTCL  
Shri P.K. Tiwari

**ORDER**

In our order dated 14.3.2012, we had directed as under:

" We direct the respondents to ensure that the tariff petitions for determination of tariff is filed by the developers/owners of the transmission line or by State Transmission Utilities where the transmission lines are owned by them in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 by 20.4.2012."

2. It was noted that owners of some of the Natural inter-State lines had filed the tariff petitions in compliance of Commission's order dated 14.3.2012 and many of these natural inter-States lines had sought time to file the tariff petitions as we directed. Accordingly, The Commission vide its order date 24.8.2012 directed all the Natural inter-State line owners, who are yet to file the tariff petitions, to file tariff petitions in accordance with the 2009 Tariff Regulations, along with the prescribed fees, before the 30.9.2012.

3. The respondents had not complied with our directions contained in our order dated 14.3.2012 and 21.8.2012. Accordingly, vide order dated 6.3.2013, respondents were directed to show cause as to why appropriate action under Section 142 of the Electricity Act, 2003 should not be taken against them for non-compliance of the Commission`s directions dated 14.3.2012 and 2.8.2012.

4. Reply to the show cause notice dated 6.3.2013 has been filed by Gujarat Energy Transmission Corporation Limited, West Bengal State Electricity Transmission Company Limited, Chhattisgarh State Power Transmission Co. Ltd. and Bihar State Power (Holding) Company Limited.

5. The respondents in their replies have sought time to file petitions for determination of transmission tariff.

6. During the course of hearing, the representative of the WBSETCL submitted that in the absence of necessary details with a reasonable degree of accuracy, WBSETCL is unable to prepare the tariff proposal for submission to the Commission. The representative of the WBSETCL requested for one month time to file tariff petition before the Commission.

7. Learned counsel for Chhattisgarh State Power Transmission Co. Ltd. submitted that non-filing of tariff petition was bonafide and not with the intention of disobeying the orders of CERC. She submitted that transmission charges and losses with respect to the five transmission lines had already been claimed and/or granted by the State Commission. If the tariff petition is filed before the CERC, it would result in an anomalous situation claiming and/or being granted transmission charges/losses for the control periods 2010-13 and 2013-16 from the CERC as also the State Commission. Learned counsel requested for three months time for collecting the data for old lines and to file the petition before CERC.

8. Learned counsel for PSTCL, GETCO and KPTCL submitted that GETCO and KPTCL have already filed petition before the Commission and with regard to PSTCL, petition shall be filed shortly.

9. The representative of Bihar State Power Company Ltd. requested for six months time to file the tariff petition.

10. Learned counsel for the TNEB submitted that the tariff petition has already been filed before CERC. The representative of HVPNL, MSETCL, UPPTCL and DVC requested for one month time to file tariff petitions.

11. In view of the submissions made by the respondents and difficulties expressed by them, we discharge the notice under Section 142 of the Electricity Act, 2003 against the respondents and direct the present proceedings be dropped with the direction that the respondents, who have not filed tariff petitions, shall file tariff petitions in accordance with the 2009 Tariff Regulations, along with prescribed fees, before 20.9.2013.

12. Petition No. 15/SM/2012 is disposed of accordingly.

**Sd/-**  
**(M.DEENA DAYALAN)**  
**MEMBER**

**sd/-**  
**(V.S.VERMA)**  
**MEMBER**

**sd/-**  
**(Dr. PRAMOD DEO)**  
**CHAIRPERSON**