

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 5/RP/2013

Coram:

**Shri V.S. Verma, Member
Shri M. Deena Dayalan, Member**

**Date of Hearing: 27.8.2013
Date of Order : 05.9.2013**

In the matter of:

Review of order dated 18.3.2013 in Petition No.39/TT/2013 in the matter of approval of transmission tariff for 315 MVA 400/220/33 kV 3-Phase Spare Transformer at Hissar and Lucknow under provision of spare interconnecting transformers (ICTs) and reactors for Northern, Eastern, Southern and Western Region for tariff block 2009-14 period in Northern Region.

And in the matter of:

Power Grid Corporation of India Limited, Gurgaon**Review Petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited, Jaipur
2. Ajmer Vidyut Vitran Nigam Limited, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited, Jaipur
4. Jodhpur Vidyut Vitran Nigam Limited, Jaipur
5. Himachal Pradesh State Electricity Board, Shimla
6. Punjab State Electricity Board, Patiala
7. Haryana Power Purchase Centre, Panchkula
8. Power Development Department, Government of J&K, Jammu
9. Uttar Pradesh Power Corporation Ltd., Lucknow
10. Delhi Transco Limited, New Delhi
11. BSES Yamuna Power Limited, New Delhi



12. BSES Rajdhani Power Limited, New Delhi
13. North Delhi Power Limited, New Delhi
14. Chandigarh Administration, Chandigarh
15. Uttarakhand Power Corporation Limited, Dehradun
16. North Central Railway, Allahabad
17. New Delhi Municipal Council, New Delhi

.....**Respondents**

The following were present:

Shri S.S Raju, PGCIL
Shri M.M. Mondal, PGCIL
Shri Prashant Sharma, PGCIL
Shri B.K. Sahoo, PGCIL
Shri R.B. Sharma, Advocate, BRPL
Shri Padamjit Singh, PSPCL
Shri T.P.S. Bawa, PSPCL

ORDER

Power Grid Corporation of India Limited, the petitioner, has filed the instant review petition seeking review of order dated 18.3.2013 in Petition No.39/TT/2013, whereunder provisional transmission charges were allowed for 315 MVA, 400/220/33 kV 3-Phase Spare Transformer at Hissar and Lucknow as spare interconnecting transformers (ICTs) and reactors for Northern, Eastern, Southern and Western Regions (hereinafter referred to as "transmission assets").

The petitioner has made the following prayers-

- (a) Allow the sharing of provisional tariff of the transmission assets under the Sharing of Inter-State Transmission Charges & Losses Regulations, 2010 and the Removal of difficulties orders issued thereafter and



(b) Apply the same philosophy of sharing to other spare ICTs and spare reactors

2. The petitioner earlier filed Petition No. 39/TT/2013 seeking approval of transmission charges for the transmission assets for tariff block 2009-14 in the Northern Region. One of the prayers made by the petitioner was to grant provisional transmission tariff under Regulation 5(3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "2009 Tariff Regulations"). The Commission in its order dated 18.3.2013 while allowing provisional tariff of the transmission assets directed the following for sharing of the transmission charges:

"7. The provisional tariff allowed in this order shall be applicable from the date of commercial operation (DOCO) of the transmission system and the billing, collection and disbursement of the transmission charges shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-state Transmission Charges and Losses) Regulations, 2010, as amended from time to time. Since, the assets will be utilized by the constituents of the Northern Region only, the provisional tariff shall be shared by the Northern Region constituents directly and the same shall not be included in the Point of Connection charges (PoC) and the charges allowed shall be shared only by the beneficiaries in the Northern Region."

3. The petitioner has submitted that sharing of transmission charges during 2009-14 tariff period was governed by Regulation 33 of the 2009 Tariff Regulations. The Central Electricity Regulatory Commission (Sharing of Transmission Charges and Losses) Regulations, 2010 (hereinafter "Sharing Regulations") has repealed Regulation 33 of the 2009 Tariff Regulations. Accordingly, the transmission charges are required to be shared by the



Designated ISTS Customers in accordance with the provisions of the Sharing Regulations from the date the said regulations came into force, i.e. with effect from 1.7.2011. The petitioner has further submitted that the decision of the Commission in the impugned order for sharing of the transmission charges by the constituents of Northern Region is not in accordance with the Sharing Regulations.

4. The review petition was admitted on 4.7.2013 and notices were issued to all the respondents. None of the respondents have filed any reply.

5. During the hearing on 27.8.2013, representative of the petitioner submitted that the Commission while determining the provisional transmission tariff for spare ICTs and transformers in Western Region in Petition No.204/TT/2012 has allowed inclusion of the provisional transmission charges in the PoC charges and that similar treatment be given in the case of the transmission assets involved in the present petition.

6. The representative of PSPCL while agreeing with the contention of the petitioner has submitted that since the cost of the main transformers at Hissar and Lucknow has been included in the PoC charges, the cost of the spare transformers at Hissar and Lucknow should also be included in the PoC charges. The learned counsel for BRPL agreed with the contention of the petitioner and PSPCL and submitted that the issue of inclusion of transmission charges for the



instant assets in the PoC charges should be decided at the time of issue of final tariff.

7. We have considered the submissions made by the petitioner and the respondents. Regulation 19(1) of the PoC Regulations provides as under:-

"Save as otherwise provided in these regulations, Regulation 33 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, Regulation 16(1) and 16 (2) of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) regulations, 2008 are hereby repealed"

8. The proviso to clause (3) of Regulation 32 which was inserted through the second amendment to the 2009 Tariff Regulations provides as under-

"Provided that the sharing of transmission charges shall be governed by the Central Electricity Regulatory Commission (Sharing of Inter-State transmission charges and losses) Regulations, 2010 from the date of coming into effect of the said regulations."

9. As per the above provisions, sharing of transmission charges shall be governed by Sharing Regulations coming into effect of the said regulations. Therefore, the direction in the impugned order was an inadvertent error which needs to be rectified. We are of the view that the transmission charges for spare ICTs and reactors shall be included in the PoC charges. The review petition is accordingly allowed. Consequently, Paragraph No.7 of the impugned order shall be modified as under:

"7. The provisional tariff allowed in this order shall be applicable form the date of commercial operation (DOCO) of the transmission system and the billing, collection and disbursement of the transmission charges shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-



State Transmission Charges and Losses) Regulations, 2010, as amended from time to time."

10. This order disposes of Review Petition No.5/RP/2013.

sd/-

(M. Deena Dayalan)
Member

sd/-

(V.S. Verma)
Member

