

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 185/TT/2013

Subject : Determination of wheeling charges in respect of transmission system of Odisha Power Transmission Corporation Limited comprising of 220 kV D/C Rourkela-Tarkera-Budhipadar-Korba (Odisha portion) line and associated sub-station bays with effect from 1.4.2009 to 31.3.2014 for transmission of surplus power from NTPC power stations in Eastern Region (ER) to Western Region (WR).

Date of Hearing : 26.8.2014

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

Petitioner : Odisha Power Transmission Corporation Limited (OPTCL)

Respondents : Chhattisgarh State Electricity Power Distribution Company Limited and 6 others

Parties present : Shri R.K. Mehta, Advocate, OPTCL,
Ms. Ishita Chaudhuri Dasgupta, Advocate, OPTCL
Shri M.R. Das, OPTCL
Shri S.K. Pasi, OPTCL
Shri Dilip Singh, MPPMCL

Record of Proceedings

The learned counsel for the petitioner submitted as follows:-

- a) The instant petition has been filed for determination of wheeling charges in respect of transmission system comprising of 220 kV D/C Rourkela-Tarkera-Budhipadar-Korba (Odisha portion) line and associated sub-station bays with effect from 1.4.2009 to 31.3.2014. The transmission tariff for the 2004-09 period was allowed by the Commission vide order dated 22.2.2014 in Petition No.25/TT/2011;



b) The rejoinder to the reply of MPPMCL has been filed vide affidavit dated 15.7.2014. The mere fact that the 2009 Tariff Regulations do not provide for wheeling charges will not take away power of the Commission to determine the wheeling charges which is conferred under Section 62(1)(c) of the Electricity Act, 2003;

c) The Commission may allow return on equity, depreciation and interest on working capital as per the 2009 Tariff Regulations.

d) The petitioner is incurring huge amount for maintaining the transmission network. However, the beneficiaries, except Chhattisgarh are not paying since long as the apportionment issue has not been resolved. The respondents be directed to share the wheeling charges as per REAs issued by ERPC for the period 2009-14.

2. The representative of MPPMCL submitted that the term wheeling charges has not been defined in the 2009 Tariff Regulations and there is no difference between wheeling charges and transmission charges except incremental losses. Therefore the petitioner's prayer in the instant petition should be for determination of transmission charges and not for determination of wheeling charges. The petitioner's request that wheeling charges should be apportioned in the ratio and quantum in line with the Commission's order dated 23.3.2007 for the period 2001-04, should not be applied to the present tariff period and the same should be dealt as per the prevailing regulations. The petitioner is claiming the ROE 15.50% for 2011-12 and 2012-13, but for 2013-14 they are claiming the ROE @ 19.377%. However, the petitioner has not submitted any documentary proof of submitting advance tax for 2013-14 period.

3. In response, the learned counsel for the petitioner submitted that the petitioner has been paying tax since FY 2011-12. Due to carry forward of unabsorbed depreciation under the Income Tax Act, 1961 normal income tax has not been paid, but Minimum Alternate Tax (MAT) has been paid for FY 2011-12 and 2012-13. He further submitted that documentary proof regarding payment of advance tax for 2013-14 period would be submitted to the Commission.

4. The Commission directed the petitioner to file documentary proof of submitting the advance tax of 2013-14 period on an affidavit before 18.9.2014, with a copy to all the respondents. In case the information is not received by the date indicated, the Commission shall be at liberty to pass orders on merit based on the available documents on record.

5. Subject to the above, order in the petition was reserved.

By order of the Commission

sd/-
(T. Rout)
Chief Legal

