

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. RP/23/2014**

Subject : Review of the order dated 2.7.2014 in Petition No. 71/MP/2014 titled as "Power Grid Corporation of India Limited Vs Western Region Transmission (Maharashtra) Private Limited".

Date of hearing : 21.10.2014

Coram : Shri M.Deena Dayalan, Member  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Petitioner : Western Region Transmission (Maharashtra) Pvt. Ltd.

Respondents : Power Grid Corporation of India Ltd. and others

Parties present : Shri Amit Kapur, Advocate for the review petitioner  
Shri D.Marwah, Advocate for the review petitioner  
Ms. Sugandha Somani, Advocate for the review petitioner  
Shri L.N.Mishra, WRTMPL  
Shri Naveen Nagpal, WRTMPL  
Shri Rupin Rawat, WRTMPL  
Shri Krishna Keshav, Advocate, PGCIL  
Shri R.K.Dutta, PGCIL  
Shri P.Pasi, PGCIL

**Record of Proceedings**

Learned counsel for the petitioner submitted that the review petitioner, Western Region Transmission (Maharashtra) Private Limited (**WRTML**) has filed the present petition seeking review of the Commission's order dated 2.7.2014 (Impugned order) in Petition No. 71/MP/2014, filed by Power Grid Corporation of India Ltd. (**PGCIL**) for extension of Required Commercial Operation Date (**RCoD**) of Western Region System Strengthening Scheme-II, Project B (**Project B**) on account of events analogous to Force Majeure which have occurred subsequent to the award of the Project. Learned counsel for the review petitioner further submitted as under:

(a) In Para 10 of the Impugned order, the Commission has erroneously observed that WRTML had accepted that extension in RCoD of Project B would not have any impact on transmission charges. The Impugned order was passed pursuant to the first hearing on 22.5.2014 and WRTML did not have an occasion to file its reply.

(b) During the course of hearing on 22.5.2014, WRTML had accepted PGCIL's proposal for extension of RCoD of Project B up to 1.1.2014. However, the transmission charges were beyond the scope of the petition

filed by PGCIL and therefore, the same was not to be dealt with in the said proceedings.

(c) The Commission vide order dated 30.12.2008 in Petition No. 27/2008 had observed that WRTML would not be entitled to any enhancement of tariff. The Commission's observation in the said order dated 30.12.2008 was made in the context specified at Para 21 of the said order in which the Commission had observed that the Petition No. 27/2008 is limited to grant of transmission license to WRTML and the Commission did not consider the question of determination/escalation of transmission charges.

(d) PGCIL had filed Petition No. 71/MP/2014 invoking provisions of the Implementation Agreement. The Implementation Agreement only pertains to construction phase of the Project. Under the Implementation Agreement, it was agreed that the beneficiaries would execute a separate Power Transmission Agreement which would govern the commercial aspects of the Project. Therefore, any change to transmission charges was a separate matter, not a subject matter of this proceeding and as such beneficiaries are not relevant parties for the purpose of deciding the issues in the present petition.

(e) Learned counsel requested to review and rectify the Impugned order to the effect that WRTML accepted PGCIL's submissions only insofar as they related to the extension of RCoD of Project B and any impact of the extension of RCoD on the transmission charges payable by the beneficiaries will be subject to approval of the Commission.

2. After hearing the learned counsel for the petitioner, the Commission directed to admit the review petition and issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the review petition on the respondents immediately. The respondents were directed to file their replies by 10.11.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 21.11.2014.

4. The review petition shall be listed for hearing on 27.11.2014.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**