

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 267/2010

Subject : Approval under Regulation 86 of CERC (Conduct of Business) Regulations, 1999 and CERC (Terms and Conditions of Tariff) Regulations, 2009 for determination of Transmission Tariff for Barh-Balia 400kV D/C (Quad) line under Transmission System associated with Barh Generation Project (3x660 MW) in Eastern Region from DOCO (1.7.2010) to 31.3.2014.

Petitioner : Power Grid Corporation of India Ltd.

Respondents : Uttar Pradesh Power Corporation Ltd. and 16 others

Petition No. 227/TT/2013

Subject : Approval under Regulation 86 of CERC (Conduct of Business) Regulations, 1999 and CERC (Terms and Conditions of Tariff) Regulations, 2009 for determination of Revised Transmission Tariff for Barh-Balia 400kV D/C (Quad) line along with 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 : 20.5.2014

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

Petitioner : Power Grid Corporation of India Ltd.

Respondents : Uttar Pradesh Power Corporation Ltd. and 16 others

Parties present : Shri Sanjay Sen, Sr. Advocate, PGCIL
Ms. Shikha Ohari, Advocate, PGCIL
Shri S. K. Venkatesan, PGCIL
Ms. Sangeeta Edwards, PGCIL
Shri S.S. Raju, PGCIL



Shri T. P. S. Bawa, PGCIL
Shri U. K. Tyagi, PGCIL
Shri A. M. Pavgi, PGCIL
Shri R. P. Padhi, PGCIL
Shri Pradeep Misra, Advocate, PSPCL
Shri Manoj Kumar Sharma, Advocate, PSPCL
Shri Padamjit Singh, PSPCL
Shri R. B. Sharma, Advocate, BRPL
Shri M.G. Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC

Record of Proceedings

Learned senior counsel for the petitioner submitted that the matter has been remanded by the Appellate Tribunal for Electricity, vide its judgement dated 2.7.2012 in Appeal No.123/2011, with directions to the Commission to decide the date of commercial operation of the transmission system in the light of the observations of the Tribunal in the said judgment. Learned senior counsel submitted that against the judgment of the Appellate Tribunal, the petitioner has filed an appeal in the Hon'ble Supreme Court. Though the Hon'ble Supreme Court had initially stayed the proceedings before the Commission, the petitioner approached the Hon'ble Supreme Court to allow the Commission to determine the tariff, without any prejudice to the petition's rights in the appeal. Learned senior counsel submitted that the RCE of the project has been approved and the Commission may consider granting tariff for the transmission system after taking into account the approved cost in the RCE.

2. The learned counsel for PSPCL submitted that the matter has been remanded to the Commission to decide the issue of date of commercial operation of the transmission system. Therefore, the date of commercial operation needs to be determined before determination of transmission tariff. However, since the appeal is pending before the Hon'ble Supreme Court, the Commission may consider taking up the matter after the appeal is decided. As regards filing of reply to the petition, learned counsel submitted that detailed reply was filed in the Appellate Tribunal and the said reply has been placed on record before this Commission also. Learned counsel submitted that he would rely on the said documents during hearing and separate reply is not required to be filed. However, learned counsel sought time to file reply in Petition No. 227/TT/2013.

3. The learned counsel for BRPL submitted that the Commission's order dated 29.4.2011 in Petition No. 267/2010 has been set aside and petition has been remanded back to the Commission by Hon'ble Appellate Tribunal for Electricity. As on today no tariff order exists and, therefore, the petitioner should not charge any tariff from the beneficiaries and the transmission system should not be included for calculation of PoC charges.



4. The learned counsel for NTPC submitted that NTPC is not a necessary party and a detailed reply to the petition has been filed.

5. In response to a query of the Commission, the learned senior counsel for the petitioner clarified that the actual expenditure for Bays at Balia Sub-station for Barh-Balia 400 kV D/C (Quad) line does not include ₹28.50 Crore and the same has been clarified vide affidavit dated 16.5.2014.

6. The Commission desired to know when the actual flow of electricity started on these lines. Leaned senior counsel submitted that the actual flow of electricity started from September, 2011 and the petitioner has filed its revised claim for transmission tariff considering the date of commercial operation as 1.9.2011, vide affidavit dated 18.11.2013, without prejudice to its rights in the appeal filed by the petitioner in the Supreme Court.

7. The Commission directed to list both the matters on 3.7.2014 for hearing.

By order of the Commission

sd/-
(T. Rout)
Chief Legal

