

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 19/RP/2015**

**in**

**Petition No. 91/TT/2012**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

**Shri A.K. Singhal, Member**

**Shri A.S. Bakshi, Member**

**Dr. M.K. Iyer, Member**

**Date of Hearing: 20.08.2015**

**Date of Order : 27.08.2015**

**In the matter of:**

Petition for review of the order dated 26.5.2015 in Petition No. 91/TT/2012 under Section 94 of the Electricity Act, 2003.

**And in the matter of:**

Power Grid Corporation of India Limited,  
Saudamini, Plot No. 2,  
Sector 29, Gurgaon-122001  
Haryana

.....**Petitioner**

**Vs**

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,  
Vidyut Bhawan, Vidyut Marg,  
Jaipur- 302 005
2. Ajmer Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur
4. Jodhpur Vidyut Vitran Nigam Limited,  
400 kV GSS Building (Ground Floor),  
Ajmer Road, Heerapura, Jaipur



5. Himachal Pradesh State Electricity Board,  
Vidyut Bhawan, Kumar House Complex Building II,  
Shimla-171 004
6. Punjab State Electricity Board,  
The Mall, Patiala-147 001
7. Haryana Power Purchase Centre,  
Shakti Bhawan, Sector-6,  
Panchkula (Haryana)-134 109
8. Power Development Department,  
Govt. of Jammu and Kashmir,  
Mini Secretariat, Jammu
9. Uttar Pradesh Power Corporation Limited,  
(Formerly Uttar Pradesh State Electricity Board)  
Shakti Bhawan, 14, Ashok Marg,  
Lucknow-226 001
10. Delhi Transco Limited,  
Shakti Sadan, Kotla Road,  
New Delhi-110 002
11. BSES Yamuna Power Limited,  
BSES Bhawan, Nehru Place  
New Delhi
12. BSES Rajdhani Power Limited,  
BSES Bhawan, Nehru Place  
New Delhi
13. North Delhi Power Limited,  
Power Trading & Load Despatch Group,  
Cennet Building, Adjacent to 66/11 kV Pitampura-3,  
Grid Building, Near PP Jewellers, Pitampura,  
New Delhi-110 034
14. Chandigarh Administration,  
Sector-9, Chandigarh
15. Uttarakhand Power Corporation Limited,  
Urja Bhawan, Kanwali Road, Dehradun



16. North Central Railway,  
Allahabad
17. New Delhi Municipal Council,  
Palika Kendra, Sansad Marg, New Delhi-110 002
18. NHPC Limited,  
N.H.P.C. Office Complex,  
Faridabad, (Haryana)-121 003
19. NTPC Limited,  
NTPC Bhawan, Core 7, Scope Complex,  
Institutional Area, Lodhi Road,  
New Delhi-110 003
20. PKTCL,  
Building No. 10 B, 12<sup>th</sup> Floor,  
DLF Cibre City, Shankar Chouk

....Respondents

**For petitioner:** Ms Ranjitha Ramachandran, Advocate, PGCIL  
Ms. Sangeeta Edwards, PGCIL  
Shri S.S. Raju, PGCIL  
Shri J.K. Jha, PGCIL  
Shri A.K. Pandey, PGCIL

**For respondent:** Shri Piyush Kumar, NHPC

### **Order**

This review petition has been filed by Power Grid Corporation of India Limited (PGCIL) under Section 94 of the Electricity Act, 2003 seeking review of the order dated 26.5.2015 in Petition No. 91/TT/2012. The Review Petitioner has submitted that tariff for Asset-II: LILO of 2<sup>nd</sup> ckt. of Parbati II-Koldam T/L at Pooling Station along with associated bays and LILO at Parbati-III, under the said transmission system, was not allowed on the ground that since the Koldam Switchyard has not been commissioned, a part of LILO cannot be put to trial operation without the line getting connected at the other end and hence cannot be utilised. The Review Petitioner has submitted that in the



impugned order, the Commission has not allowed the transmission tariff for Asset-II of the transmission system associated with Parbati-III-HEP in Northern Region for tariff block 2009-14 on the ground that a portion of the LILO circuits of Asset II is not utilized as Koldam Switchyard is not commissioned. The Commission has further directed the Review Petitioner to claim tariff of this asset when complete LILO is put into regular service after test charge and trial operation. The Review Petitioner has submitted that the order dated 26.5.2015 suffers from an error apparent on the face of the record and there are otherwise sufficient cause for review in regard to approval of tariff for the Asset-II for the following reasons:-

(a) A part of Asset-II is not being used not because of any factor attributable to the Review Petitioner but because of the delay in work by PKTCL. Further, the delay in switchyard was not due to Review Petitioner as the same was not within its scope. The responsibility of the Review Petitioner was only to carry out LILO of these lines at Parbati Pooling Station (Banala) and Parbati-III which was completed by the Review Petitioner by 1.8.2013.

(b) The scope covered under the instant project is for the evacuation of power from Parbati-III HEP approved vide Ministry of Power letter dated 31.7.2006. As per this approval, the scheduled completion of the project was 42 months from the date of investment approval matching with the commissioning of the generation project i.e. February, 2010. As per the investment approval, the project was scheduled to be commissioned by February, 2010. Accordingly, the Review Petitioner tried to match the commissioning of the transmission assets with the generation project. Further, NHPC vide letter dated 12.6.2013 has



requested for the completion of the associated transmission system by June, 2013. Thereafter, Review Petitioner had commissioned this asset in August, 2013 to match with the generation project which however, got further delayed. Further, postponement of commissioning of the instant asset was not possible due to contractual obligation. The delay is not attributable to the Review Petitioner and it should not be penalized for no fault on its part.

(c) The interpretation, scope and application of the second proviso to Regulation 3(12)(c) of the 2009 Tariff Regulations is that the transmission line of the Review Petitioner could have been put to regular service if the elements to be undertaken by PKTCL or NHPC had been ready and not that physically regular service was actually to be done. Accordingly, the reasoning given in the order dated 26.5.2015 is contrary to Regulation 3(12)(c).

(d) The disallowance of the tariff on the ground that Koldam Switchyard has not be commissioned is incorrect as there exists no strategic linkage of LILO with Koldam Power and the requirement of LILO was originated for evacuation of power from Parbati-III HEP (NHPC) which has been already commissioned on 24.3.2014.

2. The Review Petitioner has also prayed to condone the delay of 17 days in filing the review petition on the ground that it was under the impression that a review petition was to be filed within 45 days from the receipt of the order by post. Counting from the date of order, there was delay of 17 days in filing the petition which may be condoned.



3. During the hearing, the representative of NHPC Limited (NHPC), Respondent No.18, submitted that interim reply has been filed in the matter and a detailed reply would be filed in a month. He submitted that PGCIL has raised an invoice of ₹74.48 crore for full recovery of AFC prior to commissioning of the 1<sup>st</sup> unit of Parbati-III Power Station which is against the Indemnification Agreement between NHPC and the Review Petitioner. Moreover, NHPC was not respondent in the Petition No. 91/TT/2012 and the liability for transmission charges has been imposed on NHPC without an opportunity of hearing.

4. As regards, the limitation period, Regulation 103 provides as under:-

“Review of Decisions, Directions and orders

103.(1) The Commission may, on an application of any of the persons or parties concerned made within 45 days of making such decision, directions or order, review such decision, directions or orders and pass such appropriate orders as the Commission deems fit.

(2) An application for such review shall be filed in the same manner as a Petition under Chapter II of these Regulations.

(3) An application for review shall be listed before the Commission within a period of 15 days from the date of filing such application.

(4) The Review applications shall be disposed of within 15 days from the date of hearing if the review is not admitted and within a period of two months from the date of admission if the application is admitted.

Provided that where the review applications cannot be disposed of within the period as stipulated, the Commission shall record the reasons for the additional time taken for disposal of the review applications.”

Therefore, the petition has to be filed within 45 days of the making of such order and not from the date of receipt of the order through post. It is pertinent to mention that the order of the Commission is uploaded on the website either on the same day or the



following day. However, considering the request of the Review Petitioner, we condone the delay of 17 days.

5. As regards the submission of the representative of NHPC, it is clarified that NHPC cannot question the billing of ₹74.48 by the Review Petitioner towards transmission charges in the Review Petition filed by the Review Petitioner. This is a separate cause of action and NHPC is at liberty to take appropriate action with regard to the said decision in accordance with law. NHPC is permitted to file its objection with respect to the grounds raised in the review petition within a period of 15 days.

6. We admit the review petition on the grounds mentioned above and issue notice to the respondents who shall file their reply by 30.8.2015 and the petitioner shall file its rejoinder by 6.9.2015.

7. This being a Review Petition, it has to be disposed of within a period of two months from the date of admission. Therefore, all parties are directed to comply within the time limit and under no circumstances, extension of time for filing of reply/rejoinder shall be granted.

8. Matter to be listed for final hearing on 1.10.2015.

sd/-  
**(Dr. M.K. Iyer)**  
**Member**

sd/-  
**(A.S. Bakshi)**  
**Member**

sd/-  
**(A.K. Singhal)**  
**Member**

sd/-  
**(Gireesh B. Pradhan)**  
**Chairperson**

