

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 377/TT/2014

Coram:

**Shri Gireesh B. Pradhan, Chairperson
Shri A. K. Singhal, Member
Shri A.S Bakshi, Member**

Date of Order : 20.4.2015

In the matter of:

Petition under Section 62 of the Electricity Act, 2003 read with Chapter-V of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for approval of tariff for 400 kV D/C Dadri-Loni Road Transmission Line of NTPC Ltd. for the period from the anticipated date of commercial operation 31.3.2019.

And in the matter of:

NTPC Ltd.
NTPC Bhawan,
Core-7, Scope Complex,
7, Institutional Area, Lodhi Road,
New Delhi -110 003.

.....**Petitioner**

Vs

1. BSES Rajdhani Power Ltd (BRPL),
BSES Bhawan, Nehru Place
New Delhi-110 019.
2. BSES Yamuna Power Ltd (BYPL),
Shakti Kiran Building, Karkardooma
Delhi- 110 092.
3. TATA Power Delhi Distribution Ltd (TPDDL),
33 kV Grid Sub-Station, Hudson Road,
Kingsway Camp, Delhi-110 009.

.....**Respondents**



ORDER

The instant petition has been filed by NTPC Ltd. seeking approval of the transmission tariff for 400 kV D/C Dadri-Loni Road Transmission Line under Central Electricity Regulatory Commission (Terms & Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "2014 Tariff Regulations"). The petitioner has prayed to issue directions to Delhi Discoms, viz. BSES Rajdhani Power Limited (BRPL), BSES Yamuna Power Limited (BYPL) and Tata Power Delhi Distribution Limited (TPDDL) to bear the transmission charges of this line and also to direct NRPC/NRLDC to consider metering at Dadri Switchyard end for scheduling, dispatch, billing and accounting purposes.

Background of the Case

2. The petitioner is a Central Generating Company and has set up the National Capital Thermal Power Station Stage II (2X490 MW) at Dadri (hereinafter referred to as "NCTPS Stage II") in the State of Uttar Pradesh. Ministry of Power, Government of India (hereinafter "MOP") has allocated 75% of the power generated from NCTPS Dadri to Delhi, 10 % of power to UP and balance 15% has been kept unallocated reserve. Moreover, Delhi's share of power from NCTPS Stage II was further allocated to BRPL, BYPL and TPDDL in the ratio of 43.92%, 25.40% and 30.68% respectively in terms of the order dated 27.2.2014 issued by Delhi Electricity Regulatory Commission.

3. The petitioner has submitted that the transmission system for NCTPS Stage II was finalized by CEA, CTU and MOP at various meeting such as 21st Meeting of the

Standing Committee on Power System Planning held on 3.11.2006, meeting taken by Additional Secretary, MOP on 15.1.2008 and 23rd Meeting of Northern Region Standing Committee on Power System held on 16.2.2008. It was decided in the meeting taken by Additional Secretary, MOP that the transmission line being dedicated line for Delhi should be executed by NTPC. In the 26th meeting of the Northern Region Standing Committee on Power System Planning, Dadri-Bamnauli 400 kV (D/C) line was changed to Dadri-Loni Road 400 kV D/C line. Accordingly, the petitioner has awarded contract to PGCIL vide agreement dated 12.6.2009 to execute the transmission line on deposit work.

4. The petitioner has submitted that the transmission line was expected to be put into commercial operation with effect from 2.8.2014. The petitioner has filed the present petition and has prayed for transmission tariff from the date of expected commercial operation till 31.3.2019. The petitioner has also deposited the licence fees for the year 2014-15 for the said line.

5. As the nature of the Dadri-Loni Road 400 kV transmission line was not clear from the pleadings in the petition, the petitioner was directed vide letter dated 27.11.2014 to clarify whether the 400 kV D/C Dadri-Loni Road Transmission Line is a dedicated line or an inter-State transmission line (ISTS) and if it is an ISTS, whether a transmission licence has been obtained by the petitioner under Section 12 of the Electricity Act, 2003 (hereinafter referred to as "Act").

6. The petitioner has made the following submissions:-

(a) It was decided in the meeting taken by Additional Secretary, MOP no

transmission line for NCTPS Stage II, Dadri to Delhi would be implemented by NTPC as a dedicated transmission line;

(b) 400 kV D/C Dadri-Loni Road transmission line is only feeding Harsh Vihar Sub-station at Loni Road. There is no other interconnecting line either from inter-State or from intra-State Delhi network at 400 kV level. Since the sub-station is not a part of 400 kV meshed network the 400 kV D/C Dadri-Loni Road transmission line has been considered as a dedicated transmission line. The transmission line has been executed for evacuation of power from NCTPS Stage II to the inter-connection point of transmission system of Delhi Transco Ltd. at Loni Road Sub-station. The power evacuated/transmitted over this line is exclusively drawn by the Delhi Discoms and therefore it is a dedicated transmission line as provided under Section 2(16) of the Act;

(c) As per Section 10 of the Act, the petitioner is responsible to maintain and operate the dedicated transmission line. As per the Government of India notification dated 8.6.2005, the instant transmission line does not require any transmission licence under Section 12 of the Act; and

(d) Tariff related to the above transmission line including the adjustment for losses or the system is to be decided by the Commission considering the agreement reached between NTPC and the beneficiaries, the capital cost, O&M Expenses etc.

7. We have considered the submissions of the petitioner. It is noticed that the 400 kV D/C Dadri-Loni Road transmission line has been executed by the petitioner for evacuation of power from the NCTPS Stage II to the Loni Road Sub-station of

Delhi Transco Ltd. Section 2(16) of the Act, defines dedicated transmission line as under:-

“(16) dedicated transmission lines” means any electric supply-line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 or generating station referred to in section 10 to any transmission lines or sub-stations or generating stations, or the load centre, as the case may be”

Section 10 of the Act provides that it shall be the duty of the generating company to construct, own, operate and maintain the dedicated transmission line.

8. Clause (2) of the Removal of Difficulty (fifth) Order, 2005 dated 8.6.2005 provides as under:-

“A generating company or a person setting up a captive generating plant shall not be required to obtain license under the Act for establishing, operating or maintaining a dedicated transmission line if such company or person complies with the following:-

- (a) Grid code and standards of grid connectivity;
- (b) Technical standards for construction of electrical lines;
- (c) System of operation of such a dedicated transmission line as per the norms of system operation of the concerned State Load Despatch Centre (SLDC) or Regional Load Despatch Centre (RLDC).
- (d) Directions of concerned SLDC or RLDC regarding operation of the dedicated transmission line.”

9. From the above provision it emerges that a dedicated transmission line is a point to point connection from the generating station to any transmission station or generating station or the load centre for evacuation of power from the generating station. It is the duty of the generating station to construct, own, operate and maintain the dedicated transmission line for which it is not required to obtain a licence under Section 12 of the Act. In other words, a dedicated transmission line is

for all purposes a part of the generating station. In present case, the 400 kV transmission line is admittedly a dedicated transmission line executed by the petitioner for evacuation of power for NCTPS Stage II Dadri Station till the Loni Road Sub-station of Delhi Transco Ltd. It is not part of any meshed network and cannot be utilized by any other person for evacuation of power. We are of the view that the instant transmission line being part of the generating station, its tariff should be determined as part of generation tariff. Accordingly, the petitioner is directed to claim tariff for the instant transmission line as part of the generation tariff of NCTPS State II Dadri Station. The licence fee deposited by the petitioner shall be adjusted against the filing fee for the NCTPS State II Dadri Station

10. This order disposes of Petition No. 377/TT/2014

sd/-

(A. S. Bakshi)
Member

sd/-

(A.K Singhal)
Member

sd/-

(Gireesh B. Pradhan)
Chairperson