

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 278/TT/2015

Subject : Determination of transmission tariff of Assets (11 nos.) under "Eastern Region Strengthening Scheme-III (ERSS-III)" in Eastern Region for 2014-19 tariff period.

Date of Hearing : 29.4.2016

Coram : Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : Power Grid Corporation of India Limited

Respondents : Bihar State Power (Holding) Company Ltd and 7 others

Parties present: Shri S. S. Raju, PGCIL
Shri M. M. Mondal, PGCIL
Shri Rakesh Prasad, PGCIL
Shri Vivek Kumar Singh, PGCIL
Shri R.B. Sharma, Advocate, OPTCL
Shri S.R. Sarangi, OPTCL

Record of Proceedings

The representative of the petitioner submitted that the instant petition has been filed for determination of tariff for eleven assets under Eastern Region Strengthening Scheme - III (ERSS-III) for the 2014-19 tariff period. He submitted that the instant assets were scheduled to be commissioned on 1.12.2012. Assets I, II, III, IV and V were commissioned on 1.4.2014, 13.6.2015, 21.1.2015, 2.11.2015 and 3.3.2016 respectively. The petitioner submitted that the Assets VI, VII, VIII, IX, X and XI are anticipated to be commissioned in May, 2016. He submitted that the downstream assets are not commissioned by OPTCL. He also submitted that RCE and revised approved apportioned cost was submitted vide affidavit dated 26.4.2016.

2. The learned counsel for OPTCL submitted that reply to the petitioner was filed vide affidavit dated 26.12.2015. He submitted that the petitioner has attributed the delay in commissioning of some of the instant assets to OPTCL however, the delay cannot be attributed to OPTCL and it is the responsibility of the petitioner to coordinate with various agencies, including OPTCL, for timely execution of the transmission assets. The submissions made by the learned counsel for OPTCL are as follows:-



- a. There is time over-run in case of all the assets and some of the assets are yet to be commissioned and the petitioner cannot claim that the COD as actual till the commissioning of the assets has been approved by the commissioned;
- b. The petitioner has not submitted PERT chart as required under the 2014 Tariff Regulations. The PERT chart is required for critical analysis of time over-run in case of the instant assets;
- c. The petitioner has not yet submitted the information sought vide ROP dated 14.12.2015;
- d. The Commission in its order dated 25.1.2016 has observed that the transmission charges will borne by OPTCL in case of delay in commissioning of downstream system. However, there is no provision which makes the STU liable to pay the transmission charges; and
- e. Six months have already elapsed since the filing of the petitions and as the assets have not been commissioned, the petition should be disposed. The he petitioner should file a fresh petition once the assets are commissioned.

3. In response, the representative of the petitioner submitted that the assets are commissioned without the commissioning of the downstream assets and hence approval of COD has been sought under the second proviso to Regulation 4(3) of the 2014 Tariff Regulations. He further submitted that it is not the sole responsibility of the petitioner to coordinate and it is also the responsibility of OPTCL under Section 39 of the Electricity Act, 2003, as a STU, to coordinate with the CTU and other agencies.

4. The Commission directed the petitioner to submit the rejoinder to reply filed by OPTCL and the issues raised by OPTCL during the hearing by 16.5.2016.

5. The Commission directed the petitioner to submit the information sought vide RoP dated 14.12.2015 and the following information with an advance copy to the beneficiaries by 16.5.2016:-

- a. Status of downstream system;
- b. Status of COD for Asset VI to XI;
- c. The IEDC, IDC discharged till SCOD and from SCOD to COD and thereafter on cash basis for all the assets and element wise segregation of IDC and IEDC; and
- d. Auditor's certificate with revised forms.

6. The Commission further directed the petitioner to file the above information within the specified time, failing which the matter would be decided on the basis of the information already available on record.



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

By order of the Commission

sd/-
V. Sreenivas
Dy. Chief (Law)

