

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 134/MP/2016**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

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

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

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

**Date of Hearing: 24.8.2016**

**Date of Order : 30.8.2016**

**In the matter of**

Petition under 4th proviso to Regulation 9 (7) of the Central Electricity Regulatory Commission (Grant of Connectivity, long term access and Medium term open access in inter-State transmission and related matters) Regulations, 2009 read with Section 79 (1) (c) of the Electricity Act, 2003 for extension of time to complete dedicated 400 kV transmission line and evacuation of power through the existing LILLO till then.

**And**

**In the matter of**

Ind-Barath Energy (Utkal) Ltd.  
Plot No. 30-A, Road No. 1,  
Film Nagar, Jubilee Hills,  
Hyderabad-500 096, Telangana

**...Petitioner**

**Vs**

Eastern Regional Load Despatch Centre  
14, Golf Club Road,  
Tollygunge, Kolkata-700 033

**.....Respondent**

**Following were present:**

Shri J.Mahapatra, Ind-Barath  
Shri Mukesh Malasi, Ind-Barath  
Shri Ashok Rajan,, ERLDC  
Shri P.S.Das, ERLDC

## ORDER

### **Background of the case:**

The petitioner, Ind-Barath Energy (Utkal) Ltd., had filed petition seeking permission for extension of time for injection of infirm power into the grid from unit 1 of its 700 MW (2X350 MW) thermal power project ("the project") at Village Sahajbahal, Jharsuguda district in the State of Odisha by six months through existing LILO line till completion of its 400 kV dedicated transmission line. The Commission after considering of the difficulties projected by the petitioner, vide order dated 31.5.2016 in Petition No. 36/MP/2016 allowed the petitioner to inject infirm power into the grid for commissioning tests including trial operation of Unit-1 till 31.7.2016 and directed the petitioner to complete its dedicated transmission line by 31.7.2016. The Commission further observed that the petitioner would not be allowed injection of infirm power beyond 31.7.2016 through LILO of 300 kV Raigarh-Rourkela Ckt. 1 if the dedicated transmission line is not completed by such time.

2. In the above background, the petitioner has filed the present petition under Regulation 8 of the Central Electricity Regulatory Commission (Grant of connectivity, Long-term Access and Medium-term Open access in inter-State transmission and related matters) Regulations, 2009 as amended from time to time (Connectivity Regulations) 2003 for extension of time to complete dedicated 400 kV transmission line and to evacuate of power through the existing LILO with the following prayers:

"(a) Allow extension of time to complete the dedicated 400 kV transmission line for 3 more months i.e. upto 31<sup>st</sup> October, 2016.

(b) Grant an extension for a period of 3 months up to 31<sup>st</sup> October, 2016 to evacuate commercial power from Unit-I of 350 MW through the existing LILO till completion of dedicated transmission line;

(b) Pass such order as this Hon`ble Commissions may deem fit and proper under the facts and circumstances of the present case and in the interest of justice.”

3. The petitioner has submitted that as per the Commission`s order dated 31.5.2016, it had successfully performed 72 hrs trial operation of unit-I and achieved COD on 19.7.2016 through the existing LILO of 400 kV Raigarh-Rourkela Ckt-I transmission system. However, due to force majeure events, namely severe ROW issues, heavy rain in the region, paddy cultivation, theft of conductors and fatal accidents during construction, the petitioner could not complete its dedicated transmission line by 31.7.2016. The petitioner has submitted that all 126 towers have been completed and erections of entire 126 towers have been fully completed. Out of 39.74 km of stringing, 39.24 km have been completed. The petitioner has submitted that 99% of the dedicated transmission has been completed. The petitioner has submitted that to achieve the said progress, considerable time was taken involving variety of line crossing, road crossing, NH crossing, river and nala crossings and solving complicated issues of right of the way of associated organization and the general public.

4. The matter was heard on 24.8.2016 after notice to the respondent. During the course of hearing, the representative of the petitioner reiterated the submissions made in the petition.

5. We have heard the representative of the petitioner. The petitioner has sought permission for extension of time to complete its 400 kV dedicated transmission line by 31.10.2016 and to evacuate commercial power from unit-I of the project through the existing LILO till completion of dedicated transmission line. It is noted that the petitioner, vide order dated 31.5.2016, was permitted for injection of infirm power into the grid for commissioning tests including trial operation of unit-1 till 31.7.2016. The petitioner was also directed to complete its dedicated transmission line by 31.7.2016. The Commission in the said order dated 31.5.2016 observed that the petitioner would not be allowed to inject infirm power beyond 31.7.2016 through LILO of 400 kV D/C Raigarh-Rourkela Ckt. 1 if the dedicated line is not completed by such time. The petitioner has submitted that due to force majeure events, it could not complete its dedicated transmission line by 31.7.2016 and has requested for permission to inject commercial power till 31.10.2016 by which time the petitioner is expecting the dedicated transmission line to achieve commercial operation.

6. Under sub-Section (1) of Section 10 of the Electricity Act, 2003, it is the duty of the generating company to establish, operate and maintain dedicated transmission line. Therefore, it is the responsibility of the petitioner to construct the dedicated transmission line within the time frame which matches with the commencing of the generating station. In the Standing Committee meeting on Power System Planning in Eastern Region, held on 14.9.2009, it was decided that Ind-Bharat-Jharsuguda Pool 400 kV D/C line with associated line bays would be under the scope of the generation developers. In the Standing Committee on Power System Planning in Eastern Region held on 20.9.2010,

temporary arrangements under the scope of the generation developer for evacuation of power from Ind-Bharat was decided by constructing 'LILO of other ckt of Rourkela-Raigarh 400 kV D/C transmission line in order to take care of the delay in construction of associated transmission system. The LILO is a temporary arrangement and it was the responsibility of the petitioner to construct the dedicated transmission line matching with the commissioning of the generation project. Despite a lapse of more than 6 years, the petitioner has not come up with the dedicated transmission line. ROW problem is a normal feature being faced by the generator constructing the dedicated transmission line and a licensee constructing the transmission line. Therefore, the petitioner should have planned and executed the dedicated transmission line in such a manner it matches with the commissioning with the generating station. The Commission allowed the petitioner to inject infirm power upto 31.7.2016 for the purpose of achieving COD of the unit. It is clarified that even infirm power shall not be allowed for injection after 31.7.2016, the petitioner is stated to have achieved COD on 19.7.2016. In our view, the petitioner should commission the dedicated transmission line at the earliest and inject commercial power through dedicated transmission line. From the point of view of grid security, we cannot allow the petitioner to inject firm power through LILO which was basically a temporary arrangement. Accordingly, we reject the prayer of the petitioner.

7. With the above, the Petition No. 134/MP/2016 is disposed of.

-Sd-  
**(Dr.M.K.Iyer)**  
**Member**

-Sd-  
**(A.S. Bakshi)**  
**Member**

-Sd-  
**(A. K. Singhal)**  
**Member**

-Sd-  
**(Gireesh B. Pradhan)**  
**Chairperson**