

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 16/RP/2015
In Petition No.109/TT/2013**

Coram

**Shri Gireesh B. Pradhan, Chairman
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member**

**Date of Hearing : 05.04.2016
Date of order : 22.08.2016**

In the matter of

Review of Commission's order dated 20.5.2015 in Petition No.109/TT/2013 regarding approval of transmission tariff for 240 MVAR Bus Reactor at Agra Sub-Station under Common Scheme for 765 kV Pooling Stations and Network for NR, Import by NR from ER and Common Scheme for network for WR and Import by WR from ER and from NER/SR/WR via ER in Northern Region for tariff block 2009-14.

And in the matter of:

Power Grid Corporation of India Limited,
"Saudamani", Plot No.2,
Sector-29, Gurgaon -122 001

.....**Petitioner**

Vs

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



4. Jodhpur Vidyut Vitran Nigam Ltd.,
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,
Thermal, Shed TIA,
Near 22 Phatak,
Patiala-147 001.
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula (Haryana)-134 109.
8. Power Development Department,
Government of Jammu and Kashmir,
Mini Secretariat, Jammu.
9. UP Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226 001.
10. Delhi Transco Ltd.,
Shakti Sadan, Kotla Road,
New Delhi-110 002.
11. BSES Yamuna Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi.
12. BSES Rajdhani Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi
13. North Delhi Power Ltd.,
Power Trading & Load Dispatch 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 Ltd.,
Urja Bhawan, Kanwali Road,
Dehradun.

16. North Central Railway,
Allahabad.

17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110 002.

.....**Respondents**

For petitioner : Shri Anand K. Ganesan, Advocate, PGCIL
Shri M.M. Mondal, PGCIL
Shri S.K. Venkatesan, PGCIL
Shri Subhash C. Taneja, PGCIL
Shri S.S. Raju, PGCIL
Shri Rakesh Prasad, PGCIL

For respondent : Shri Gaurav Gupta, Advocate, PSPCL

ORDER

The instant review petition has been filed by Power Grid Corporation of India Limited seeking review of the order dated 20.5.2015 in Petition No. 109/TT/2013, wherein the Commission determined the transmission tariff for 240 MVAR Bus Reactor at Agra Sub-Station under Common Scheme for 765 kV Pooling Stations and Network for NR, Import by NR from ER and Common Scheme for network for WR and Import by WR from ER and from NER/SR/WR via ER in Northern Region tariff for 2009-14 period



in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (the 2009 Tariff Regulations). Aggrieved by the above said order, PGCIL has filed petition seeking review in respect of the following:-

- (a) Disallowance of IDC and IEDC of ₹70.67 lakh on account of time over-run of four months;
- (b) Disallowance of cost of ₹1489 lakh on account of additional land compensation for Agra Sub-station;
- (c) Disallowance of the interest on tariff for the period between 1.1.2013 and 13.5.2013.

2. The matter was heard on 9.2.2016 on "admission". During the hearing, the learned counsel of the review petitioner reiterated the submissions made in the review petition. The petitioner and respondents were directed to complete their pleadings by 14.3.2016. None of the respondents has filed any reply. The matter was heard on 5.4.2016. Based on the documents on record and the submission during the hearing, the issues raised in the Review Petition have been dealt with hereinafter.

A. Disallowance of IDC and IEDC of ₹70.67 lakh on account of time over-run

3. As per the investment approval (IA) dated 29.8.2008, the assets covered under Petition No. 109/TT/2013 were scheduled to be commissioned within 48 months from the date of IA i.e. by 1.9.2012, against this the asset was commissioned on 1.1.2013. There was time over-run of 4 months. The time over-run of 4 months was not allowed



and IDC and IEDC for this period were not allowed. The relevant portion of the order is as under:-

"18. The issue of time over-run in commissioning of the instant transmission asset and the resultant increase in costs and IDC has been raised by AVVNL and PSPCL. We have also analyzed the documents submitted by the Petitioner along with the affidavit dated 19.12.2014. As per the Additional District Magistrate (Land Acquisition)'s letter dated 16.2.2009 there has been a delay of about 1 year in depositing the amount demanded by the Petitioner, from the date of issue of the demand letter for acquisition of land. In the mean time, the rate of the land had increased because of which there was re-evaluation of land causing further delay. The initial delay of one year (December, 2007 to December, 2008) caused by the Petitioner by not depositing the amount demanded by the Additional District Magistrate (Land Acquisition) has led to the time over-run of 4 months in commissioning of the asset. The Petitioner has not submitted any reason for depositing the amount demanded by the State authorities after one year. Hence, we are not inclined to condone the time over-run of 4 months.

18. Accordingly, the IDC and IEDC for delayed period of four months have been further reduced from the capital cost as on the date of commercial operation. Details of total IDC and IEDC disallowed are as under:-

Calculation of IDC and IEDC		
	IDC	IEDC
IDC and IEDC claimed by the petitioner on accrual basis	1054.21	429.40
IDC worked out as on DOCO (on cash basis)	716.12	202.50
Details of IDC & IEDC Disallowed for 4 months		
Disallowed IDC and IEDC for 4 months Pro-rata	55.09	15.58
Total	55.09	15.58

4. As regards the time over-run, the petitioner has made the following submissions in the review petition:-

a) As a part of the DVC Common Scheme which was another project being undertaken by the petitioner, an AC sub-station was proposed to be established at Agra and simultaneously, an HVDC Sub-station was also to be established at Agra as part of the North-East-Northern/Western Interconnector-I. It was necessary since the power had to be further dispersed from Agra;



b) The power would be received at Agra from the “North-East-North Western interconnector I. The AC links are required to other sub-stations in the grid since DC power is converted into AC power for further distribution. Therefore, this was a peculiar situation wherein HVAC and HVDC Sub-station were required at the very same location, namely, Agra;

c) In order to economise the subject transmission system, the petitioner proposed a composite Sub-station at Agra. While the proposals were being discussed in the various meetings of the Northern, Western and North-Eastern Regions, the review petitioner proactively approached the authorities in Agra for land acquisition in November, 2007 itself. Thus, the demand letter was issued by the relevant authorities to the petitioner in December 2007;

d) However, out of the subject transmission system, the “North-East–North Western interconnector I” scheme was still under finalisation. The scheme got finalised in August, 2008 and the scope of the Sub-station at Agra to include both the HVAC and HVDC part was also decided;

e) In the meantime, at the 22nd meeting of the standing committee on power system planning of the Northern Region held on 12.3.2007, with regard to finalisation of the DVC common scheme, the petitioner had to still wait for approval of the finalisation of the “North East–Northern/Western Interconnector I” scheme. The finalisation of this scheme took place between 6.6.2005 to



8.8.2008 which is evident from the perusal of the various minutes of the meeting held at the Northern, Western and North Eastern Region levels;

f) As soon as the above scheme was finalised in August 2008, the investment approval for the “Common Scheme for 765 kV Pooling Stations and Network for NR, Import by NR from ER and Common Scheme for network for WR and Import by WR from ER and from NER/SR/WR via ER in Northern Region” was obtained and the expenditure approval for “North-East–Northern/Western interconnector I” was taken from the board of directors in August, 2008 and December, 2008 respectively;

g) If the petitioner had made the payment in December 2007 itself for setting up of only the HVAC Sub-station, without waiting for finalisation of the HVDC sub-station, there would have been sub-optimal use of land and the need to procure land twice in nearby areas leading to higher cost;

h) The one-year time taken by the petitioner, which has been held against the petitioner, was only to avoid the extra cost burden which would have been placed on the beneficiaries of the system had two separate land acquisitions at Agra, one for the HVAC Sub-station and the other for the HVDC Sub-station.

i) There was delay in possession on land due to local issues and agitations. It is not that upon payment of compensation, the free possession of the land is handed over on the very next day. Several issues such as issuance of the



relevant notifications under the Land Acquisition Act, objections called for by the local landowners, discussions and deliberations for fixation of compensation with the local landowners, payments to be made etc are encountered on the ground due to which the possession of land in the present case was handed over to the petitioner only on 12.5.2011;

j) The petitioner made all efforts to complete the sub-station in minimum possible time i.e. only 19 months. Therefore, there will not be any additional burden of IDC and IEDC on the beneficiaries; and

5. The petitioner vide its affidavit dated 31.3.2016 has submitted the reasons for ROW issues encountered during land acquisition for Agra Sub-station as under:-

- (i) The sub-station is located on state highway leading to Shamshabad. A ring road (extension of Yamuna Expressway] is passing within 2-3 km of Agra Sub-station, several housing as well as commercial projects are coming on both sides of the ring road, the land is very fertile in nature and water is available through a canal adjacent to the boundary of newly acquired land;
- (ii) There was an apprehension that after establishment of Agra Sub-station, overall commercial value of the nearby area will be diminished and even overall charm of farming would be lost due to jungle of steel structures and overhead electrical wires all around. The perception created was that hundreds of acres of land on all four sides have lost its commercial value;



- (iii) The amount of compensation paid to the land owners is less and has been paid to the small farmers not to the builders/ industrialists or big land lords, who are powerful lobbyists and created problems for the petitioner. The land owners are still demanding higher compensation especially after notification of New Land Acquisition Act, 2013. A mass agitation has been started in 2015 and the land owners have even approached local MP; and
- (iv) Despite completing the sub-station, the petitioner has been unable to complete the boundary wall till December 2015 because of the agitation which was a security threat. From the very beginning of land acquisition process of Agra Sub-station, the petitioner anticipated these ROW issues and accordingly took the decision to acquire the consolidated land for HVDC and HVAC for optimization of land.

6. We have considered the submissions of the Review Petitioner. The elaborate reasons advanced by the Review Petitioner as briefly discussed in paras 4 and 5 above were neither part of pleadings in the main petition nor part of the records in the main petition. The Commission vide RoP dated 9.10.2014 in Petition No. 109/TT/2013 directed the petitioner to submit the L2 network chart, detailed reasons alongwith documentary evidences and chronology of events for delay in acquiring the land for Agra Sub-station. The petitioner in its affidavit dated 19.12.2014 submitted the reasons as under:-

“Reply to Para 5(ii): As per the investment approval dated 29.8.2008, the commissioning schedule of the project is within 48 months from the date of investment approval i.e. by 1.9.2012. However, the asset was commissioned on 1.1.2013. Hence,



there is a delay of 4 months. The delay was mainly on account of delay in land acquisition. Extra land was acquired at Agra as it is becoming the major pooling station in the region. The reasons for delay has been submitted vide affidavit dated 23.12.2013. As per L2 network, the land was supposed to be acquired by June, 2009 and handed over to the contractor by September, 2009. It is to be mentioned that the petitioner approached DM, Agra for acquisition of land under Emergency Provisions. However, the possession of land was received progressively from May, 2011 to August, 2011 causing the delay of two years in getting possession of land. Further, it is submitted that despite being the significant delay in land possession at Agra the petitioner prioritized the commissioning of assets at Agra and did its best to complete the work on time. The petitioner has commissioned 2 nos. ICTs and 2 nos. bus reactor within the schedule, however there is a marginal delay of 4 months in commissioning of the subject asset under this petition which is beyond the control of the petitioner hence it is prayed to condone the delay. Further, it is submitted that generally the production cycle in a month at the manufacturing units are limited and it is dispatched in accordance with production cycle. The transportation and receipt at site are also linked with the above production. It is further clarified that simultaneous commissioning of more than one asset at a single location would also depend upon the availability of skilled commissioning experts at site. In addition to this, more than one set of T&P and manpower of such activities would lead to an extra cost burden on the beneficiaries.”

7. The petitioner had also given chronology of events from the date of application for land acquisition on 14.11.2007 till actual acquisition of land on 12.5.2011. The petitioner also placed on record the L2 network chart and letters dated 5.12.2007 and 16.2.2009 issued by ADM, Agra. There was not even a whisper in the said reply that time over-run in land acquisition occurred on account of the time taken by the petitioner for optimization of its land requirement and for RoW problems. The Commission proceeded to carry out the prudence check based on the explanation of the petitioner and the documents on record.

8. In the letter issued by ADM, Agra on 16.2.2009 categorically mentions the following:-

“In this regard, it is informed that you have submitted acquisition proposal earlier and at that time the land compensation was calculated on the basis of the then circle rate and



same was informed vide office letter dated 5.12.2007 for payment of requisite amount which was paid by you after one year by submitting fresh acquisition proposal.

9. Taking note of the fact that the petitioner deposited the advance money after one year with the District Authorities alongwith a revised application, the Commission came to the conclusion that the delay had occurred on account of non-payment of the amount demanded by Additional District Magistrate (Land Acquisition) which resulted in time over-run. In our view, the reasons advanced by the Review Petitioner have the effect of rearguing the matter on merit and does not fall under error apparent on the record. Consequently, prayer for review of the decision of the Commission with regard to time over-run and disallowance of IDC and IEDC is rejected.

Disallowance of cost of ₹1489 lakh on account of additional land compensation for Agra Sub-station

10. The second issue is disallowance of part of the cost on land acquisition. The demand letter for depositing the amount pertaining to land acquisition was issued to the petitioner on 5.12.2007 by District Administration, Agra. However, there was delay on the part of the petitioner in depositing the amount which took place in December, 2008. In the meantime, the circle rate of land was revised by the District Administration and the petitioner was asked to pay at the new circle rates. The increase in cost of land was disallowed in the impugned order. The relevant portion of the order dated 20.5.2015 is hereunder:-

"24. As discussed at para 18, there was delay of one year in depositing requisite amount for land acquisition by the Petitioner. During this period of one year, the circle rates were revised and as a result the Petitioner had to pay additional amount of Rs 1489.90 lakh on account of revaluation of land. The increase in land cost to the tune of Rs.1489.90 lakh is



attributable to the Petitioner since it has been incurred due to delay in depositing of amount for land by the Petitioner. Hence, we are not inclined to allow the additional land compensation of Rs1489.90 lakh and it is accordingly reduced from the capital cost of the assets involved in this petition and other concerned petitions. The Petitioner has not submitted the land actually used for the asset considered in the instant petition, hence it is not possible to apportion the contribution of the instant asset towards the increase of Rs.1489.90 lakh in the land cost. Accordingly, at present, the capital cost is being restricted to the apportioned FR land cost. However, the Petitioner is directed to submit actual land usage for the asset in the instant petition and all other assets of the project and the increase in land cost shall be deducted from the respective assets at the time of truing up.”

11. The petitioner in the Review Petition has submitted that disallowance of the cost of land is an error on the face of record due to the following reasons:-

- a) As per FR, a total of 113.91 acres of land was supposed to be acquired for HVAC and HVDC Sub-stations, namely 17.3 acres for the HVAC portion and 96.61 acres for the HVDC portion. However, due to the efforts of the petitioner in combining the resources and effort for land acquisition, only 98.45 acres of land was acquired for the construction of 765/400 kV HVAC Sub-station and one 800 kV HVDC Sub-station. This is due to the consolidated land acquisition undertaken by the review petitioner;
- b) Because of combined/consolidated land acquisition, the review petitioner has been able to get both technical and commercial benefit for the beneficiaries of the system. The land acquisition at two different locations without the combination would have caused higher expenditure;
- c) Deferment of payment for acquisition of land between December, 2007 to December, 2008 was only for the reason that the approval for the subject



transmission system was being discussed in the Northern, Western and North-Eastern Regional meetings and as soon as the cost was approved came by the Board of Directors, the review petitioner immediately made payment for land acquisition, namely, in December, 2008 itself. The delay in payment has benefited the project as well the beneficiaries both technically and commercially;

d) After depositing an amount of ₹132 lakh on 22.12.2008, the Additional District Magistrate, Land Acquisition (ADM, LA) sent a letter dated 16.2.2009 raising an additional demand of ₹1489 lakh due to the difference in circle rates notified. The review petitioner immediately deposited the amount. Thus, the petitioner paid a total cost of ₹2810 lakh;

e) The petitioner also wrote a letter on 6.6.2009 to the District Magistrate, for acquisition of land under the emergency provisions. The proposal for land acquisition was submitted to the Directorate of Land Acquisition office at Lucknow on 21.8.2009 for notification under Section 4 of the Land Acquisition Act. The State Government of Uttar Pradesh issued a Notification under Section 4 on 23.11.2009, which was published on local newspapers on 8.12.2009. After waiting for the mandatory period, on 13.5.2010 the State government issued the Section 6 notification, which was published in the local newspaper on 10.6.2010, giving an opportunity to the local people to file their objections. The period between 12.7.2010 and 15.7.2010 was for hearing of all objections and issuance of Section 9 notification;



f) On 5.1.2011, a meeting was held by the petitioner with the affected landowners to discuss the land compensation. After detailed deliberations, the landowners gave their consent to the amount of ₹580 per square meter. The petitioner immediately took steps to make the payment to the landowners.

12. The review petitioner vide affidavit dated 31.3.2016 has submitted the following:-

a) Consolidated land acquisition for HVDC and HVAC Sub-station enabled to get the technical and commercial benefit for the petitioner as well as the beneficiaries. The land acquisition at two different locations at Agra would have caused even more expenditure due to additional assets required for HVDC and HVAC Sub-station interconnection, additional compensation due to more land requirement. Land requirement could be even higher to accommodate additional assets, township etc, cost towards township, boundary wall approach road, other infrastructure for new Sub-station etc, manpower and vehicles requirement, Security expenses during construction which could have led to increase in IEDC charges;

b) If payment for only AC portion of land was made in December, 2007 before finalization of HVDC scope it would have led to sub-optimal use of the land and establishment of two sub-stations;



c) The petitioner was executing both the HVDC and HVAC Schemes simultaneously and was aware of the best location in which the HVDC and HVAC systems could be combined; and

d) The circle rates of land are getting revised on regular basis by the government land authorities which is beyond the control of the petitioner. The additional cost due to revision in circle rates is to be paid during land acquisition process.

13. We have considered the submission of the petitioner. According to the review petitioner, 113.91 acres of land was supposed to be acquired for HVAC and HVDC sub-stations, namely 17.3 acres for the HVAC portion and 96.61 acres for the HVDC portion. However, due to the efforts of the review petitioner in combining the resources and effort for land acquisition, only 98.45 acres of land was acquired for the construction of 765/400 kV HVAC Sub-station and 800 kV HVDC Sub-station. The petitioner had not given these reasons for cost variation on account of land in the main petition. In fact the petitioner had given the following reasons in its affidavit dated 23.12.2013 filed in Petition No.109/TT/2013:-

“With regard to variation in land cost following is submitted:

- Total 98.45 acre land at Agra was acquired for the construction of 765/400kV HVAC and 800 kV HVDC substation. Out of the total 98.45 acre land at Agra approximately 40% land i.e. 39.18 acre has been considered for construction of 765/400 kV Sub-station. It is to mentioned that only 17.3 acre land was envisaged in FR for 765/400 kV Sub-station at Agra.
- The land costs @ ₹31.98 lakh per acre (cost is inclusive of payment made to State Govt. + Rehabilitation assistance + Annuity to land owners) is as per the actual whereas in FR the land cost is considered @ ₹8.90 lakh per acre + 50 lakh for R&R policy.



- The land cost has been apportioned in different elements of 765/400 kV Agra Sub-station.”

14. In the impugned order, the Commission had disallowed the revised land cost on the ground that the petitioner failed to deposit the required money for one year and in the meantime the circle rates were revised. On perusal of the letters dated 5.12.2007 and 16.2.2009 placed on record by the petitioner in the Petition No. 109/TT/2013 vide affidavit dated 19.12.2014, it is revealed that the requirement of land for the HVAC and HVDC system in Agra was already identified as 36.1228 ha in 5.12.2007 itself and the tentative cost of the identified land was ₹16,13,66,471/-. The Review Petitioner was directed to deposit of ₹2,93,39,358/- in the office of ADM, Agra. It is further observed from the ADM, Agra letter dated 16.2.2009 that the petitioner deposited ₹13,20,27,113/- on 22.12.2008 along with fresh proposal after a year. In the mean time, the circle rates of land have been revised. Based on the fresh acquisition proposal for 35.4728 ha of the land identified for HVAC and HVDC systems, the District Administration demanded additional amount of ₹14,89,70,745/-. It has been clearly motioned as under:-

“It is mentioned that presently, District Magistrate, Agra has amended the circle rate. On that basis compensation was recalculated. Since you have submitted fresh acquisition proposal, calculation of amount of appropriate compensation would be done on the basis of present circle rate.”

15. The Review Petitioner is seeking to argue the matter on merit by bringing in new facts at the stage of review which is not permissible in a review petition. Had the petitioner deposited the money as per the earlier demand, it would have been required to pay at the old circle rate. On account of the fresh application by the petitioner for



35.4728 ha in place of 36.1228 ha, the District Administration applied for revised circle rates. Payment of additional cost for land is solely attributable to the petitioner for not depositing the amount as per the order of the ADM vide letter dated 5.12.2007. As a proposal for land for HVAC and HVDC system was considered by the ADM, Agra in 2007 itself, we are not able to agree to the petitioner's contention that the deferment of payment for acquisition of land between December, 2007 to December, 2008 was only for consideration land acquisition for HVDC and HVAC Sub-station to get the technical and commercial benefits. It is further observed that as per the ADM's letter dated 5.12.2007, the land proposed to be acquired was 36.1228 ha and as per letter dated 16.2.2009 it is 35.4728 ha. Thus, there is only marginal decrease in the land acquired however, the cost of the land acquired increased substantially. Hence, we are not able to agree with the contention of the petitioner that the delay in payment has benefited the project as well as the beneficiaries both technically and commercially. We are of the view that deferment of payment of cost of the land did not accrue any benefit to the beneficiaries contrary to the claims of the petitioner. We are also of the view that the increase in cost of land is due to delay on part of the petitioner in making the payment and hence we are not inclined to allow the increase in the cost of the land. Accordingly, the prayer for review of the disallowance of cost of ₹1489 lakh on account of additional land compensation for Agra Sub-station is rejected.



Disallowance of the interest on tariff for the period between 1.1.2013 and 13.5.2013.

16. The third issue is regarding disallowance of interest on account of delay in filing the tariff petition. The instant asset was commissioned on 1.1.2013 and the petition was filed on 13.5.2013. As there was delay in filing the petition, the interest from the actual COD to date of filing the petition was disallowed. The relevant portion of order is as under:-

"8. AVVNL in its reply has submitted that the petitioner has filed the instant petition on 13.5.2013 even though the instant asset was commissioned on 1.1.2013 and there has been a delay of more than four months in filing the petition and the petitioner should explain the delay in filing the petition. We have considered the submissions made by AVVNL. Regulation 5(1) of the 2009 Tariff Regulations provides for filing of application for determination of tariff before six months of projected date of commercial operation. Accordingly, the petitioner could have filed the instant application during July, 2012, however, the petition was filed on 13.5.2013. This delay in filing of petition has not been explained by the petitioner. Delay in filing petition would cost the beneficiaries by way of interest for the period of delay. As the petitioner has not filed its comments to the issue raised by the respondent, we feel that the petitioner does not have any justifiable reason for the delay. We are of the view that the beneficiaries should not be burdened with interest for the period of delay and accordingly we direct that the petitioner would not be entitled to charge any interest on tariff from the date of commercial operation till the date of filing of petition (1.1.2013 to 13.5.2013)."

17. The instant asset was commissioned on 1.1.2013 and petition was filed on 13.5.2013. This delay in filing of petition has not been explained by the petitioner in the main tariff petition. Therefore, the interest for the period from the date of COD to the date of filing the petition was disallowed. The petitioner as per the Tariff Regulation was required to file the petition six months before the expected date of commercial operation. The same was provided in order to ensure that the petitioner gets a tariff as soon as its assets achieve commercial operation and the respondent beneficiaries are



not burdened with interest on account of delay in determination of tariff. Since the petitioner has approached the Commission four months after the date of commercial operation, the Commission disallowed the interest on tariff from the date of commercial operation till the date of filing of the petition. In our view, the beneficiaries cannot be made to pay for the negligence on the part of the Review Petitioner to file the tariff petition in time. We do not find any reason for reviewing our earlier decision and accordingly review on this account is also not allowed.

18. Review Petition No.16/RP/2015 is disposed of in terms of the above.

sd/-	sd/-	sd/-	sd/-
(Dr. M.K. Iyer) Member	(A.S. Bakshi) Member	(A.K. Singhal) Member	(Gireesh B. Pradhan) Chairperson

