

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**I.A. No 21/IA/2016**

**in**

**Petition No. 141/TT/2015**

**Coram:**

**Shri Gireesh B. Pradhan, Chairperson**

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

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

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

**Date of Hearing : 28.07.2016**

**Date of Order : 08.08.2016**

**In the matter of**

Application seeking directions and calling records/information under Section 94(1) (b) and section 94(1)(c) of Electricity Act, 2003

**And**

**In the matter of:**

Determination of transmission tariff for MB TPS (Anuppur)-Jabalpur Pooling station 400 kV D/C triple line snowbird line only under "Transmission System for connectivity of MB Power (Madhya Pradesh) Limited in Western Region for 2014-19 period under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Condition of Tariff) Regulations, 2014.

**And in the matter of**

Power Grid Corporation of India Limited

"Saudamini", Plot No.2,

Sector-29, Gurgaon -122 001

**....Petitioner**

**Vs**

1. Madhya Pradesh Power Trading Company Limited,  
Shakti Bhawan, Rampur  
Jabalpur-482 008



2. MB Power (Madhya Pradesh) Limited  
Corporate Office, 235  
Okhla Industrial Estate  
Phase-III, New Delhi-110 020
3. Maharashtra State Electricity Distribution Company Limited,  
5th floor, Prakashgad,  
Bandra (East),  
Mumbai-400 051
4. Gujarat Urja Vikas Nigam Limited,  
Sardar Patel Vidyut Bhawan,  
Race Course Road,  
Vadodara-390 007
5. Electricity Department,  
Government of Goa,  
Vidyut Bhawan, Panaji,  
Near Mandvi Hotel, Goa-403 001
6. Electricity Department,  
Administration of Daman and Diu,  
Daman-396 210
7. Electricity Department,  
Administration of Dadra Nagar Haveli,  
U.T., Silvassa-396 230
8. Chhattisgarh State Electricity Board,  
P.O. Sunder Nagar, Dangania, Raipur  
Chhattisgarh-492 013
9. Madhya Pradesh Audyogik Kendra  
Vikas Nigam (Indore) Limited,  
3/54, Press Complex, Agra - Bombay Road  
Indore-452 008

.....**Respondents**

For Petitioner : Shri M.G. Ramachandran, Advocate, PGCIL  
Ms. Poorva Saigal, PGCIL



Shri Moh. Mohsin, PGCIL  
Shri Y.K. Seghal, PGCIL  
Shri A.M. Pavgi, PGCIL

For Respondents : Shri Sanjay Sen, Senior Advocate, EPGL  
Shri Ruth E Levin, Advocate, EPGL  
Ms. Molshree Bhatnagar, EPGL  
Shri Abishek Gupta, M.B. Power Limited

### **ORDER**

The Interlocutory Application No. 23/2015 has been filed by the applicant, MB Power (Madhya Pradesh) Limited under section 94(1)(b) and section 94(1)(c) of Electricity Act, 2003 for seeking directions and for calling for records/information from Power Grid Corporation of India Ltd. (PGCIL) in connection with Petition No. 141/TT/2015.

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

2. PGCIL has filed the Petition No. 141/TT/2015 for determination of transmission tariff for MB TPS (Anuppur)-Jabalpur Pooling station 400 kV D/C triple line snowbird line (hereinafter referred to as "instant asset") only under "Transmission System for connectivity of MB Power (M.P.) Limited in Western Region for tariff block 2014-19 period, in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter "the 2014 Tariff Regulations"). Final hearing in the matter took place on 18.6.2015 and the order is reserved.



3. The applicant has submitted the Date of Commercial Operation (COD) of the instant asset has to be determined as actual COD. The same has been claimed as 8.8.2014 by PGCIL which is incorrect and the same has been opposed by the applicant since the petitioner has not complied with the prevailing statutory requirements and regulations (viz. installation of required number of energy meters at sending end of the line, required certificate from Electrical Inspector for commencement of power supply etc.) for declaring COD.

4. The applicant has further submitted that PGCIL is under both contractual and statutory obligation to match and coordinate the COD of the subject Asset-2 with that of the associated generation project of the applicant. Such obligation has been further emphasized by the Commission in its order dated 13.12.2011 in Petition No. 154/MP/2011. The petitioner cannot be absolved of its statutory duties and contractual obligations by merely stating that it could not match and coordinate the COD of the instant transmission lines with that of the associated generation project of the applicant due to “obvious contractual obligations”.

5. The applicant has further submitted that PGCIL cannot claim to be recompense by way of tariff for the instant asset, when it has incurred costs at its risk without paying heed to the intimation of delay in the associated Generation Project. PGCIL is therefore required to unambiguously and adequately establish that it has made efforts to mitigate its losses.



6. In para 12 of the IA, the applicant has stated that it has raised 10 interrogatories to ascertain the following:-

(a) Whether the COD claimed by PGCIL may be rendered as legal and actual COD as per the prevailing applicable laws, statutes and the regulations;

(b) Whether PGCIL had the option of matching the construction/COD of the instant asset with that of the associated Generation Project of the applicant in accordance with the directions of the Commission vide its orders from time to time to coordinate and match the construction and commissioning of the transmission system with that of the associated generation project;

(c) What were the potential liabilities that PGCIL would have to incur in case of prolonging the construction of the instant asset to match the COD of the associated Generation Project of the applicant ; and

(d) Whether there any actual efforts were made by PGCIL to match the commissioning of the instant asset with that of the associated Generation Project of the Applicant.

7. The applicant has further submitted that if these interrogatories raised by the applicant are adequately answered by PGCIL, the argument will be narrowed down and both time and cost would be saved and it will be easier for the Commission to ascertain the actual position. The applicant has submitted that the queries raised in the interrogatories are relevant and material for proper and wholesome



adjudication of the matter and PGCIL should have no objection to answer the interrogatories.

8. The IA was heard on 28.7.2016. During the hearing, the learned counsel for PGCIL submitted that after order was reserved in the matter, the instant interrogatories are only an attempt by the applicant to delay the process of determination of tariff. Learned senior counsel for the applicant submitted that information sought in the instant IA has a bearing on the outcome of main petition and hence, the petitioner be directed to furnish the information. Learned senior counsel denied that the applicant has any intention to delay the process by raising the interrogatories.

9. Leaned counsel for PGCIL agreed to submit to furnish the information sought by MB Power Limited which is relevant for determining the issues raised in the tariff petition. The learned senior counsel for M.B. Power Limited sought one week thereafter to file rejoinder to the reply to the interrogatories.

10. Taking into consideration the submission of both the parties, we direct PGCIL to file his reply on interrogatories by 12.8.2016 with an advance copy to the applicant who shall file its rejoinder, if any, by 20.8.2016. The parties are directed to comply with the above timeline and no extension of time will be granted.

11. Since the order in the main petition is already reserved, the Commission will proceed to pass the order after taking into account the submissions of the petitioner and the applicant in the IA with reference to the interrogatories.



12. IA No. 21/IA/2016 in Petition No. 141/TT/2015 is disposed of in terms of the above.

Sd/-

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

Sd/-

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

Sd/-

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

Sd/-

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

