

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A No. 51/2016**  
**in**  
**Petition No. 75/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 Order : 8.11.2016**

**In the matter of:**

Interlocutory Application in Petition No.75/TT/2015

**And in the matter of:**

Essar Power Transmission Company Limited (EPTCL),  
Tower-2, 5<sup>th</sup> Floor, Equinox Business Park,  
Off. Bandra Kurla Complex, LBS Marg,  
Kurla (W), Mumbai-400 070

.....**Petitioner**

**Vs**

1. Essar Power M.P Limited,  
Prakash Deep Building, 10<sup>th</sup> Floor,  
7, Tolstoy Marg, New Delhi-110 001
2. Power Grid Corporation of India Limited,  
B-9, Qutub Institutional Area,  
Katwaria Sarai, New Delhi-110 016
3. National Load Despatch Centre,  
B-9, Qutub Institutional Area,  
Katwaria Sarai, New Delhi-110 016



4. Western Region Power Committee,  
F-3, MIDC Area, Marol, Opp. SEEPZ, Central Road,  
Andheri (East), Mumbai-400 093
5. Essar Steel India Limited,  
27<sup>th</sup> KM on Surat-Hazira Road,  
Hazira-394 270, District: Surat
6. Government of Madhya Pradesh,  
Energy Department, Mantralaya,  
Vallabh Bhavan, Bhopal-462 004

.....Respondents

**For petitioner** : Shri Sudhir Nandrajog, Sr. Advocate, EPTCL  
Shri Gautam Chawla, Advocate, EPTCL  
Shri Vishal Binod, Advocate, EPTCL  
Shri Sachidanand Bhujade, EPTCL  
Shri Sandeep Sahay, ESPTCL

**For respondents** : None

### Order

Essar Power Transmission Company Limited (EPTCL) has filed the present I.A. No. 51/IA/2016 seeking liberty to revive the petition for determination of transmission tariff of combined assets of LILO of 400 kV S/C Vindiyachal-Korba transmission line, 400 kV D/C Gandhar-Hazira transmission line and 400/220 kV GIS Sub-station at Hazira (hereinafter referred to as "transmission assets") for 2014-19 period after the disposal of Review Petition No.33/RP/2016 and tariff for the 2009-14 period is finalized.

2. EPTCL was granted the transmission licence on 8.4.2008 for implementing the transmission system associated with Mahan Thermal Power Plant in Madhya Pradesh constructed by Essar Power Madhya Pradesh Limited, a sister concern of the petitioner. Subsequently, the petitioner filed Petition No. 173/TT/2013 for determination of



transmission tariff of the instant transmission assets for 2009-14 tariff period. EPTCL also filed Petition i.e. 111/TT/2015 for true-up of tariff of 2009-14 period. A combined order in Petition Nos. 173/TT/13 and 111/TT/2015 was issued on 15.6.2016 allowing the trued up tariff of the 2009-14 period. EPTCL has also filed a Review Petition No. 33/RP/2016 seeking a review of the aforesaid order dated 15.6.2016, which was admitted and orders are reserved.

3. In the meanwhile, EPTCL filed Petition No.75/TT/2015 on 6.2.2015 for determination of tariff for the 2014-19 tariff period for the instant assets. As per Regulation 9(3) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014, the capital cost of existing project shall include the capital cost admitted by the Commission as on 31.3.2014. However, Petition No.75/TT/2015 was based on the audited capital cost as on COD and additional capital expenditure within cut-off date, as such Petition No.75/TT/2015 was disposed with a direction to EPTCL to file a fresh a petition under the Central Electricity Regulatory Commission (Procedure for making of Application for Determination of Tariff, Publication of the Application and Other Related Matters) Regulations, 2004 after finalisation of the tariff of 2009-14 tariff period.

4. EPTCL in the instant Interlocutory Application has submitted that a review petition has been filed against the order dated 15.6.2016 wherein the tariff for the instant asset for 2009-14 tariff period was allowed. EPTCL has submitted that the tariff for the 2009-14 tariff period is yet to reach finality and EPTCL may be given liberty to



revive the petition for 2014-19 tariff period after disposal of the Review Petition No. 33/RP/2016. EPTCL has also prayed that the 120 day period for reviving the petition for 2014-19 period may be counted from the date of disposal of the Review Petition No. 33/RP/2016.

5. We have considered the submissions of EPTCL. The tariff for 2009-14 tariff period is yet to achieve finality as the petitioner has filed a review petition which has been admitted and after the hearing the petitioner, the Commission has reserved the order. Therefore, the tariff of the transmission system for 2009-14 period shall be finally decided after disposal of the review petition and consequential revision of tariff to the extent allowed after the review. Accordingly, the petitioner is granted time of two months from the date of disposal of the review petition to file the fresh petition for determination of tariff for the 2014-19 period.

6. I.A. No.51/I.A./2016 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**

