

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 52/RP/2016

Coram:

**Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member**

Date of Order : 20.10.2016

In the matter of:

Review under Section 94(1)(f) of Electricity Act, 2003 read with Regulations 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Order 47, Rule 1 of Code of Civil Procedure, 1908 of order dated 30.7.2016 in Petition No. 411/TT/2014.

And in the matter of:

Parbati Koldam Transmission Company Ltd. (PKTCL)
Sohna Road, Sector-48,
Gurgaon, Haryana-122018.**Petitioner**

Versus

1. Power Grid Corporation of India Ltd.
'SAUDAMINI', Plot No-2,
Sector-29, Gurgaon -122 001 (Haryana).
2. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.
Vidyut Bhawan, Vidyut Marg,
Jaipur-302 005
3. Ajmer Vidyut Vitran Nigam Ltd.
400 kV GSS Building (Ground Floor), Ajmer Road
Heerapura, Jaipur
4. Jaipur Vidyut Vitran Nigam Ltd.
400 kV GSS Building (Ground Floor), Ajmer Road
Heerapura, Jaipur



5. Jodhpur Vidyut Vitran Nigam Ltd.
400 kV GSS Building (Ground Floor), Ajmer Road
Heerapura, Jaipur
6. Himachal Pradesh State Electricity Board,
Vidyut Bhawan,
Kumar House Complex Building II
Shimla-171004
7. Punjab State Power Corporation Ltd.
Thermal Shed T1 A, Near 22 Phatak
Patiala-147001
8. Haryana Power Purchase Centre
Shakti Bhawan, Sector-6
Panchkula (Haryana) 134 109
9. Power Development Deptt.
Govt. of Jammu & Kashmir
Mini Secretariat, Jammu
10. Uttar Pradesh Power Corporation Ltd.
Shakti Bhawan, 14, Ashok Marg
Lucknow- 226001
11. Delhi Transco Ltd.
Shakti Sadan, Kotla Road
New Delhi- 110002
12. BSES Yamuna Power Ltd.
BSES Bhawan, Nehru Place
New Delhi
13. BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place
New Delhi
14. North Delhi Power Ltd.
Power Trading & Load Dispatch Group
Cennet Building
Pitampura, New Delhi-110034
15. Chandigarh Administration



Sector-9, Chandigarh

16. Uttarakhand Power Corporation Ltd.
Urja Bhawan, Kanwali Road
Dehradun
17. North Central Railway
Allahabad
18. New Delhi Municipal Council
Palika Kendra, Sansad Marg
New Delhi-110002
19. NHPC Ltd.
Commercial Division, Sector-33,
Faridabad, Haryana- 121003

.....**Respondents**

For petitioner : Shri Vishal Anand, Advocate, PKTCL
Shri Lokendra Singh, PKTCL
Shri Anil Raawal, PKTCL

For respondents : None

Interim Order

The instant review petition has been filed by Parbati Koldam Transmission Company Ltd. (PKTCL) seeking review of order dated 30.7.2016 in Petition No. 411/TT/2014, wherein AFC was allowed under Regulation 7(7) of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”) for 2014-19 tariff period for LILO of 1st ckt. of 400 kV D/C Parbati-II-Koldam Transmission Line at Parbati Pooling Station (Banala) under Transmission System associated with Parbati-III HEP in Western Region (hereinafter referred as “transmission asset”).



2. In order dated 30.7.2016 in Petition No.411/TT/2014, it was observed that the LILO of 1st ckt. of 400 kV D/C Parbati-II-Koldam Transmission Line at Parbati Pooling Station was scheduled to be commissioned on 30.1.2010 as per the investment approval and 30.6.2014 as per the Annexure No.4 to the Implementation Agreement. The petitioner claimed that the asset was commissioned on 1.4.2014 and claimed approval of date of commercial operation under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations. The loop-in and loop-out portion were put to use on 3.11.2015 and 10.10.2014 respectively and accordingly the petitioner's prayer for approving COD of 1.4.2014 was not allowed. COD of loop-in and loop-out portion was considered as 3.11.2015 and 10.10.2014 respectively. It was further held that the delay in commissioning of the instant asset was due to delay in commissioning of the transmission line by PKTCL. Accordingly, it was held that IDC and IEDC from 30.6.2014 till the date of usage of the loop-in and loop-out would be borne by PKTCL.

3. Aggrieved by the said order, PKTCL has filed the instant review petition. The review petitioner has sought revision of the order dated 30.7.2016 on the following grounds:-

- a. The scheduled COD of the upstream system as well as downstream system has been considered as 30.6.2014, however, in accordance with Amendment No IV to Implementation Agreement, it should be 31.12.2014 for upstream system and 30.6.2014 for downstream system.



- b. AFC for upstream system (i.e. loop in portion) was granted for the 2014-15, whereas the same is commissioned in 2015-16.
 - c. The date from which additional capital expenditure for the instant asset has been considered has not been specified.
 - d. The reason for considering two different AFC's for a Double Circuit transmission line has not been specified, especially when PGCIL has claimed a single AFC for the complete portion.
 - e. Amendment No V and Amendment No VI to Implementation Agreement issued on 17.03.2015 and 10.02.2015, respectively, by PGCIL mandate the commissioning of downstream system as 10.10.2014 and upstream system as 03.11.2015 respectively.
 - f. Commissioning of the Loop-in and Loop-out portion of the transmission asset is not delayed by PKTCL.
 - g. The transmission lines were commissioned by PKTCL within the timeframe as agreed upon in the Implementation Agreement dated 23.11.2007 and its various Amendments, executed between PGCIL and PKTCL, which governs the contractual relationship between PKTCL & PGCIL.
4. The review petitioner has submitted that LILO section of line constructed by PGCIL is a Double Circuit transmission line and the Commission in its order dated 30.7.2016 has not mentioned the reason for two different AFCs for a Double Circuit Transmission line, separate for loop-in and loop-out portions especially when PGCIL



has claimed a single AFC for the complete portion. The review petitioner has submitted that in order dated 30.7.2016, commissioning date of upstream system as well as downstream system to be commissioned by PKTCL is 30.06.2014, whereas Amendment No IV to Implementation Agreement mentions the commissioning date as 31.12.2014 for upstream system and as 30.6.2014 for the downstream system. The review petitioner also submitted that the Commission in its order dated 30.7.2016 has not specified the date on which the additional capital expenditure of this LILO portion constructed by PGCIL has been considered.

5. The review petitioner has submitted that subsequent to the filing of the petition, Amendment No V and Amendment No VI to Implementation Agreement were executed on 17.3.2015 and 10.2.2015 respectively by PKTCL and PGCIL. As per the latest amendment the commissioning of downstream system has been agreed as 10.10.2014 and upstream system as 3.11.2015. The review petitioner further submitted that the commissioning of the transmission lines were carried out within the timeframe as agreed upon in the Implementation Agreement dated 23.11.2007 and its various Amendments, executed between PGCIL and PKTCL.

6. The review petitioner has submitted that there is error in order dated 30.7.2016 in fixing the liability upon PKTCL to pay IDC and IEDC for the period starting from 30.6.2014 till the date of usage of the loop-in and loop-out portion, i.e., 3.11.2015 and 10.10.2014 respectively without giving any opportunity to PKTCL to defend its position by placing on record the documentary evidence including the orders passed by the



Commission. Accordingly, the review petitioner has prayed for review of order dated 30.7.2016 in Petition No. 411/TT/2014 to the extent PKTCL is held responsible for delay in commissioning of the instant asset and liability is fixed upon PKTCL to pay IDC and IEDC for the period starting from 30.6.2014 till the date of usage of the loop-in and loop-out portion i.e. 3.11.2015 and 10.10.2014 respectively.

7. During the hearing held on 5.10.2016, learned counsel for the review petitioner reiterated the submissions made in review petition. Learned counsel submitted that it has submitted Amendment V dated 17.3.2015 and Amendment VI dated 10.2.2016 of the Investment Approval according to which the COD was revised to 10.10.2014 for loop-out (downstream) portion and 3.11.2015 for loop-in (upstream) portion⁹. He further submitted that the Commission in order dated 30.12.2015 in Petition No. 156/TT/2014 at Para 2 while determination of provisional tariff for 400 kV (Quad) 2x S/C Parbati-Koldam Transmission Line starting from Parbati-II HEP to LILO point of Parbati (Banala) Pooling Station for circuit-I and from Parbati-II HEP to LILO point of Parbati-III HEP for circuit-II has already considered the Amendment V dated 23.11.2007. The petitioner submitted that since it had not signed the Amendment VI of the Implementation Agreement by 30.12.2015, i.e. date of above order, the same was not submitted in Petition No. 156/TT/2014.

8. Learned counsel for the review petitioner further submitted that it had complied with the timelines provided in the Implementation Agreement and that there was no delay in commissioning of the transmission lines by PKTCL. He further submitted that



the Commission erred in holding that PKTCL was responsible for the delay in commissioning of the transmission lines and holding it liable to pay the IDC and IEDC from 30.6.2014 till the date of usage of loop-in and loop-out portion i.e. 3.11.2015 and 10.10.2014. Learned counsel submitted that this is an error apparent on the face of record and required to be corrected.

9. We have considered the submissions of PKTCL. The review petition is admitted. Issue notice to the respondents. PKTCL is directed to serve a copy of the petition on PGCIL and other beneficiaries and the parties are directed complete the pleadings by 9.11.2016.

10. The review petition shall be listed on 11.11.2016 for final hearing.

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(A.S. Bakshi)
Member

