

**CENTRAL ELECTRICITY REGULATORY COMMISSION**

**NEW DELHI**

**PETITION NO. 268/TT/2015**

**Coram:**

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

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

**Date of Hearing : 29.04.2016**

**Date of Order : 11.05.2016**

**In the matter of:**

Approval under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 for determination of transmission tariff of LILO of one ckt of 400 kV D/C Teesta III-Kishangunj line (LILO-I) at Rangpo and associated bays at Rangpo Sub-station under Sikkim Generation Projects-Part-B in Eastern Region.

**And in the Matter of:**

Power Grid Corporation of India Ltd,  
SAUDAMINI, Plot No.-2, Sector-29,  
Gurgaon-122001 (Haryana)

**.....Petitioner**

**Versus**

1. Bihar State Power Company Ltd  
Vidyut Bhawan, Bailey Road,  
Patna-800 001
2. West Bengal State Electricity Distribution Company,  
Bidyut Bhawan, Bidhan Nagar,  
Block DJ, Sector-II, Salt Lake City,  
Calcutta -700 091
3. Grid Corporation of Orissa Ltd,  
Shahid Nagar, Bhubaneshwar-751 007



4. Damodar Valley Corporation,  
DVC Power, Maniktala  
Civic Centre, Vip Road, Calcutta – 700 054
5. Power Department,  
Govt. of Sikkim,  
Gangtok-737101
6. Jharkhand State Electricity Board,  
In front of main Secretariat, Doranda,  
Ranchi-834 002
7. Gati Infrastructure Ltd.  
268, udyog vihar phase IV,  
Gurgaon- 122 016
8. Gati Infrastructure Bhamsay Power Ltd.  
268, udyog vihar phase IV,  
Gurgaon- 122 016
9. PTC India Ltd.  
2<sup>nd</sup> Floor , NBCC Tower  
15, Bhikaji Cama Palace, New Delhi
10. Lanco Energy Pvt. Ltd.  
Lanco House Udyog Vihar  
Gurgaon – 122016
11. Dans Energy Private Ltd.  
5<sup>th</sup> Floor, DLF Building No-8,  
Tower – C, DLF Cyber City Phase-II  
Gurgaun
12. Jal Power Corporation  
G-02, Elite Heights Apts., Asif Avenue,  
Raj Bhavan Road Somajiguda,  
Hyderabad - 500082
13. Madhya Bharat Power Corporation Ltd.  
NH-31-A, Golitarm Singtamm,  
Gangtok-737134, Sikkim

....Respondent(s)



The following were present:

For Petitioner:- Shri S.S. Raju, PGCIL  
Shri Rakesh Prasad, PGCIL

For Respondents: Shri Jatinder Singh, Lanco.  
Shri Amit Banerjee, Lanco

### **ORDER**

The petition has been filed by Power Grid Corporation of India Limited (hereinafter referred to as “the petitioner”) for determination of tariff of LILO of one ckt of 400 kV D/C Teesta III-Kishangunj line (LILO-I) at Rangpo and associated bays at Rangpo Sub-station under Sikkim Generation Projects-Part-B in Eastern Region under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as “the 2009 Tariff Regulations”) for the period starting from COD to 31.3.2019.

2. The Investment Approval (IA) for the instant project was accorded by the Board of Directors of the petitioner vide C/CP/Sikkim Generation Project Part B dated 17.3.2011 for ₹158512 lakh including IDC of ₹10183 lakh based on third quarter of 2010. As per the IA, the instant assets were scheduled to be commissioned within 32 months from the date of IA. Accordingly, the instant assets were scheduled to be commissioned on 1.12.2013.

3. The instant petition was filed on 9.11.2015 and the assets were anticipated to be commissioned on 31.1.2016. The petitioner prayed for grant of Annual Fixed Cost (AFC), in the petition and during the hearing on 14.12.2015, under Regulation 7(7) for



inclusion in the PoC charges. Accordingly, AFC was allowed for instant asset under the said provision vide order dated 17.12.2015.

4. During the hearing on 29.4.2016 the representative of the petitioner submitted that the asset covered in the instant petition has not yet been commissioned and it may be commissioned after May, 2016. The representative of the petitioner sought permission of the Commission to withdraw the instant petition and file a fresh petition after commissioning of the asset. He further requested that the filing fee paid in case of the instant petition be adjusted. He further prayed that the expenditure incurred towards publishing the notice in the instant case be reimbursed and the requirement of publication of notice at the time of filing fresh petition be waived.

5. In the instant case, the AFC was allowed vide order dated 17.12.2015 and the assets have not been commissioned even after period of 6 months of filing petition. No use full purpose will be served to award final tariff to the petitioner in respect of an asset where commercial operation is uncertain. Accordingly, after taking into consideration the submission of the representative of the petitioner, we dispose of the petition as withdrawn. The AFC allowed vide order dated 17.12.2015 shall be withdrawn from the computation of POC charges, if not already withdraw. We direct that the filing fees paid by the petitioner shall be adjusted against the filing fee payable for the instant asset when the petitioner approaches by way of a fresh petition. As regards petitioner's request to waive off the requirement of publication of notice in the newspapers, we are of the view that publication of notice is a mandatory requirement and it cannot be



