

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

PETITION NO.428/TT/2014

Coram:
Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member

Date of Hearing : 13.01.2016
Date of Order : 28.01.2016

In the Matter of:

Truing up of transmission tariff for 2009-14 tariff block under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2009 and determination of transmission tariff for 2014-19 tariff block under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations 2014 for combined assets of (i) 220 kV S/C Unchahar- Raibareilly Transmission Line along with associated bays at Raibareilly, LILO of 220 kV D/C Unchahar-Lucknow Transmission Line at Raibareilly and 100 MVA, 220/132 kV ICT-III at Raibareilly along with associated bays (ii) 100 MVA, 220/132 kV ICT-II at Raibareilly Sub-station along with associated bays under Unchahar-III Transmission System in Northern Region and under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations 1999.

And in the Matter of:

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

.....Petitioner

Versus

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg, Jaipur - 302005
2. Ajmer Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur



4. Jodhpur Vidyut Vitran Nigam Limited,
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 Power Corporation Limited,
Thermal Shed TIA,
Near 22 Phatak, Patiala-147001
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula, Haryana - 134109
8. Power Development Department,
Govt. Of Jammu & Kashmir,
Mini Secretariat, Jammu
9. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board),
Shakti Bhawan, 14, Ashok Marg,
Lucknow - 226 001
10. Delhi Transco Limited,
Shakti Sadan, Kotla Road,
New Delhi-110002
11. BSES Yamuna Power Limited,
BSES Bhawan, Nehru Place , New Delhi.
12. BSES Rajdhani Power Limited,
BSES Bhawan, Nehru Place, New Delhi
13. North Delhi Power Limited,
Power Trading & Load Dispatch Group Cennet Building,
Adjacent To 66/11 kV Pitampura-3,
Grid Building, Near PP Jewellers Pitampura,
New Delhi - 110034
14. Chandigarh Administration,
Sector -9, Chandigarh
15. Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road, Dehradun
16. North Central Railway,
Allahabad



17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002

....Respondent(s)

The following were present:

For Petitioner: Shri S.S. Raju, PGCIL
Smt. Sangeeta Edwards, PGCIL
Shri M.M. Mondal, PGCIL
Shri Vivek Kumar Singh, PGCIL
Shri S. C. Taneja, PGCIL
Shri D. K. Karma, PGCIL

For Respondents: None

ORDER

The petition has been filed by Power Grid Corporation of India Limited (hereinafter referred to as "the petitioner"), a transmission licensee, for revision of tariff under Regulation 6 of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (hereinafter referred to as "the 2009 Tariff Regulations") based on truing up of capital expenditure for the period 1.4.2009 to 31.3.2014 and for determination of tariff under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "the 2014 Tariff Regulations") for the period from 1.4.2014 to 31.3.2019 in respect of combined assets of (i) 220kV S/C Unchahar- Raibareilly Transmission Line alongwith associated bays at Raibareilly, LILO of 220 kV D/C Unchahar-Lucknow Transmission Line at Raibareilly and 100 MVA, 220/132 kV ICT-III at Raibareilly alongwith associated bays (ii) 100 MVA, 220/132 kV ICT-II at Raibareilly Sub-station alongwith associated bays under Unchahar-III Transmission System (Notional DOCO 1.11.2007) in Northern Region (hereinafter referred to as "the transmission asset").



2. The respondents are distribution licensees, who are procuring transmission service from the petitioner, mainly beneficiaries of Northern Region.

3. The brief facts of the case are as follows:-

a) The investment approval for the transmission system was accorded by Board of Directors of the petitioner company vide Memorandum dated 2.5.2005 at an estimated cost of ₹7346 lakh, which included IDC of ₹392.00 lakh. The notional date of commercial operation of the transmission assets has been taken as 1.11.2007.

b) The COD of the transmission asset is 1.11.2007. The Commission vide its order dated 10.2.2011 in Petition No. 253/2010 had considered the admitted capital cost of ₹5535.22 lakh and debt:equity ratio as on 31.3.2009 as under:-

Admitted as on 31.3.2009	Amount (₹ in lakh)	Percentage (%)
Debt	3874.97	70.01
Equity	1660.25	29.99
Capital Cost	5535.22	100.00

c) The Commission had allowed the additional capital expenditure of ₹45.76 lakh in 2009-10 and ₹203.21 lakh in 2010-11 in its order in Petition No. 253/2010.

d) The Commission determined the tariff for the transmission asset for tariff period 2009-14, based on admitted capital cost of ₹5535.22 lakh as on 31.3.2009 and estimated additional capital expenditure of ₹45.76 lakh in 2009-10 and ₹203.21 lakh in 2010-11 in its order in Petition No. 253/2010 as given below:-



(₹ in lakh)

Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation	269.68	276.26	281.62	281.62	281.62
Interest on Loan	328.17	310.69	291.17	264.78	238.4
Return on Equity	291.43	297.96	303.29	303.29	303.29
Interest on Working Capital	31.79	32.45	33.07	33.37	33.71
O & M Expenses	264.94	280.09	296.14	313.06	330.97
Total	1186.01	1197.44	1205.29	1196.11	1187.99

4. As per Regulation 6 of the 2009 Tariff Regulations, the Commission shall carry out truing up exercise along with the tariff petition filed for the next tariff period, with respect to the capital expenditure including additional capital expenditure incurred up to 31.3.2014, as admitted by the Commission after prudence check at the time of truing up. Further, as per Regulation 15 of the 2009 Tariff Regulations, the petitioner is required to adjust the yearly impact of MAT rate in the truing up petition for 2009-14 tariff period.

5. In this context, the petitioner has filed the instant petition on 7.10.2014, for revision of tariff for the tariff period 2009-14 in accordance with Regulation 6 of the 2009 Tariff Regulations.

6. The petitioner has served the petition to the respondents and notice of this application has been published in the newspaper in accordance with Section 64 of the Electricity Act, 2003. No comments/objections have been received from the public in response to the notice in newspaper. A joint reply has been filed by AVVNL, JVVNL and JdVVNL, Respondent No. 2, Respondent No. 3, and Respondent No.4, respectively vide affidavit dated 3.12.2014. The respondents have requested to do a prudence check of the tariff claimed by the petitioner. Suffice it to say that the requisite prudence check is an integral part of the tariff determination process. Specific concerns



expressed by these respondents are addressed in the respective paras. The hearing in this matter was held on 13.1.2016. The Commission had directed the petitioner, vide letter dated 14.1.2016, to submit additional information regarding additional capital expenditure claimed during 2009-14 tariff period and details of equity infused during 2009-14 and 2014-19 tariff period. The petitioner, has submitted the replies to queries of Commission vide affidavit dated 28.1.2016. Having heard the representatives of the petitioner and perused the material on record, we proceed to dispose of the petition.

TRUING UP OF ANNUAL FIXED CHARGES FOR 2009-14 TARIFF PERIOD

7. Clause (3) of the Regulation 6 of the 2009 Tariff Regulations provides as under:-

“(3) The generating company or the transmission licensee, as the case may be, shall submit for the purpose of truing up, details of capital expenditure and additional capital expenditure incurred for the period from 1.4.2009 to 31.3.2014, duly audited and certified by the auditors”.

8. The petitioner has submitted the information as required under the 2009 Tariff Regulations for truing up of annual fixed charges for 2009-14 tariff period. The tariff for 2009-14 tariff period has been trued up in the subsequent paragraphs.

Capital Cost

9. The petitioner has claimed admitted capital cost of ₹5535.22 lakh as on 31.3.2009 for the purpose of tariff determination.

10. The last proviso to Regulation 7(2) of the 2009 Tariff Regulations provides that:-

“Provided also that in case of the existing projects, the capital cost admitted by the Commission prior to 1.4.2009 duly trued up by excluding un-discharged liability, if any, as on 1.4.2009 and the additional capital expenditure projected to be incurred for the respective year of the tariff period 2009-14, as may be admitted by the Commission, shall form the basis for determination of tariff”.



11. The capital cost of ₹5535.22 lakh admitted by the Commission as on 31.3.2009 has been considered as opening capital cost as on 1.4.2009 for truing up of tariff in accordance with Regulation 7 of the 2009 Tariff Regulations.

Additional Capital Expenditure

12. Regulation 6(1) of the 2009 Regulations provides that:-

“The Commission shall carry out truing up exercise along with the tariff petition filed for the next tariff period, with respect to the capital expenditure including additional capital expenditure incurred up to 31.3.2014”

13. The petitioner has submitted that actual additional capital expenditure of ₹58.89 lakh in 2009-10, ₹8.27 lakh in 2010-11, ₹105.97 lakh in 2011-12, ₹119.05 lakh in 2012-13 and ₹160.35 lakh in 2013-14 has been incurred due to discharge of balance payments towards building & civil works and sub-station equipments as depicted below:-

(₹ in lakh)

Capital cost admitted as on 31.3.2009	Approved / Claimed	Additional capital expenditure during 2009-14					Total cost as on 31.3.2014
		2009-10	2010-11	2011-12	2012-13	2013-14	
5535.22	Approved vide order dated 10.2.2011	45.76	203.21	-	-	-	5784.19
	Actual incurred during 2009-14	58.89	8.27	105.97	119.05	160.35	5987.75

14. The petitioner has submitted the Auditor’s Certificate dated 26.6.2014 certifying the actual capital cost incurred towards additional capitalization. In response to query of the Commission, the petitioner has submitted, vide affidavit dated 28.1.2016, the contractor wise details of payments made towards balance and retention amount on



actual basis. The petitioner has also submitted that the actual equity infusion during 2009-14 is not less than 30%.

15. We have considered the submissions of the petitioner with regard to the actual capital expenditure during 2009-14 tariff period. The capital addition of ₹58.89 lakh in 2009-10, ₹8.27 lakh in 2010-11, ₹105.97 lakh in 2011-12, ₹119.05 lakh in 2012-13 and ₹160.35 lakh in 2013-14 is based on actual capital expenditure incurred as per the Auditor Certificate dated 26.6.2014, and is within the original scope of work and also within the approved cost of the assets. The additional capital expenditure of ₹58.89 lakh in 2009-10 towards balance retention payments is before the cut-off date and the same is allowed under Regulation 9 (2) (i) of 2009 Tariff Regulations and additional capital expenditure of ₹8.27 lakh in 2010-11, ₹105.97 lakh in 2011-12, ₹119.05 lakh in 2012-13 and ₹160.35 lakh in 2013-14 against balance and retention payments is after the cut-off date and is allowed under Regulation 9(2)(viii) of 2009 Tariff Regulations for the purpose of revision of tariff in accordance with Regulation 6 of the 2009 Tariff Regulations.

16. The debt:equity ratio of 70:30 for additional capital expenditure as claimed by the petitioner is in accordance with the Regulation 12 (3) of the 2009 Tariff Regulations and hence, same has been considered towards financing of the additional capital expenditure.

Debt: Equity

17. Regulation 12 of the 2009 Tariff Regulations provides as under:-

“12. Debt-Equity Ratio. (1) For a project declared under commercial operation on or after 1.4.2009, if the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:



Provided that where equity actually deployed is less than 30% of the capital cost, the actual equity shall be considered for determination of tariff:

(2) In case of the generating station and the transmission system declared under commercial operation prior to 1.4.2009, debt-equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2009 shall be considered.

(3) Any expenditure incurred or projected to be incurred on or after 1.4.2009 as may be admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this regulation.”

18. The admitted debt:equity ratio of 70.01:29.99 as on 31.3.2009 was considered by the Commission in order dated 10.2.2011 in Petition No. 253/2010 in line with the Regulation 12 of the 2009 Tariff Regulations. In respect of the additional capitalization, debt: equity ratio of 70:30 has been considered in line with the 2009 Tariff Regulations.

19. The details of the debt:equity considered for the purpose of tariff for 2009-14 tariff period is as follows:-

(₹ in lakh)

Funding	Admitted Capital cost as on 31.3.2009	Debt:Equity (%)	Additional capital expenditure during 2009-14	Debt:Equity (%)	Total Cost as on 31.3.2014	Debt:Equity (%)
Debt	3874.97	70.01	316.77	70.00	4191.74	70.01
Equity	1660.25	29.99	135.76	30.00	1796.01	29.99
Total	5535.22	100.00	452.53	100.00	5987.75	100.00

Return on Equity (“ROE”)

20. Clause (3), (4) and (5) of the Regulation 15 of the 2009 Tariff Regulations provide that

“(3) The rate of return on equity shall be computed by grossing up the base rate with the Minimum Alternate/Corporate Income Tax Rate for the year 2008-09, as per the



Income Tax Act, 1961, as applicable to the concerned generating company or the transmission licensee, as the case may be.

(4) Rate of return on equity shall be rounded off to three decimal points and be computed as per the formula given below:

Rate of pre-tax return on equity = Base rate / (1-t)

Where “t” is the applicable tax rate in accordance with clause (3) of this regulation.

(5) The generating company or the transmission licensee, as the case maybe, shall recover the shortfall or refund the excess Annual Fixed Charge on account of Return on Equity due to change in applicable Minimum Alternate/Corporate Income Tax Rate as per the Income Tax Act, 1961 (as amended from time to time) of the respective financial year directly without making any application before the Commission:

Provided further that Annual Fixed Charge with respect to the tax rate applicable to the generating company or the transmission licensee, as the case may be, in line with the provisions of the relevant Finance Acts of the respective year during the tariff period shall be trued up in accordance with Regulation 6 of these regulations.”

21. The variation in the tax rate during the 2009-14 tariff period applicable to the petitioner as per the Finance Act of the relevant year for the purpose of grossing up of return on equity (ROE) has been furnished as follows:-

Year	MAT Rate claimed in the current petition	Grossed up ROE (Base Rate/(1-t)) claimed in the current petition
2009-10	16.995%	18.674%
2010-11	19.931%	19.358%
2011-12	20.008%	19.377%
2012-13	20.008%	19.377%
2013-14	20.961%	19.610%

22. The petitioner has claimed the additional capital expenditure in the debt:equity ratio of 70:30, which is in line with Regulation 12 of the 2009 Tariff Regulations.

23. The ROE as trued up and allowed is as follows:-



	(₹ in lakh)				
Return on Equity	2009-10	2010-11	2011-12	2012-13	2013-14
As approved vide Order dated 10.2.2011	291.43	297.96	303.29	303.29	303.29
Claimed by the petitioner	311.69	325.05	328.69	335.23	347.48
Allowed after true up in this order	311.68	325.06	328.69	335.23	347.49

The difference in the approved ROE and that allowed after trueing up is on account of actual grossed up ROE based on actual MAT rate.

Interest on Loan (“IoL”)

24. Regulation 16 of the 2009 Tariff Regulations provide the methodology for working out weighted average rate of IoL. The Commission in its earlier order dated 8.6.2011 in Petition No. 238/2010 has dealt with similar issue and held that:-

“...in case of floating rate of interest, any change in the rates of interest during the tariff period will be considered at the time of true up”.

25. The petitioner has submitted the weighted average rate of IoL, based on its actual loan portfolio and rate of interest. Accordingly, the IoL has been calculated based on actual interest rate submitted by the petitioner, in accordance with the Regulation 16 of the 2009 Tariff Regulations. The details of weighted average rate of interest is placed in Annexure-1. The IoL worked out is as follows:-

	(₹ in lakh)				
Interest on Loan	2009-10	2010-11	2011-12	2012-13	2013-14
As approved vide Order dated 10.2.2011	328.17	310.69	291.17	264.78	238.40
Claimed by the petitioner	328.51	305.17	283.21	264.71	247.65
Allowed after true up in this order	328.51	305.17	283.21	264.71	247.65

The difference in the approved IoL and that allowed after trueing up is on account of change in the weighted average rate of interest which is computed based on actual loan portfolio and rate of interest.



Depreciation

26. The depreciation has been worked out as per the methodology provided in the Regulation 17 of the 2009 Tariff Regulations. The depreciation allowed is as follows:-

(₹ in lakh)

Depreciation	2009-10	2010-11	2011-12	2012-13	2013-14
As approved vide Order dated 10.2.2011	269.68	276.26	281.62	281.62	281.62
Claimed by the petitioner	270.03	271.81	272.49	276.10	283.48
Allowed after true up in this order	270.03	271.81	272.49	276.10	283.48

The difference in the approved depreciation and that allowed after truing up is on account of change gross block during the 2009-14 tariff period.

Operation & Maintenance Expenses (O&M Expenses)

27. Clause (g) of Regulation 19 of the 2009 Tariff Regulations specifies the norms for O&M Expenses for the transmission system. The normative O&M Expenses are not required to be trued up. Accordingly, the total allowable O&M expenses for the instant assets have been worked out based on norms of O&M Expenses and the details are as follows:-

(₹ in lakh)

O&M Expenses	2009-10	2010-11	2011-12	2012-13	2013-14
As approved vide Order dated 10.2.2011	264.94	280.09	296.14	313.06	330.97
Claimed by the petitioner	264.94	280.09	296.14	313.06	330.97
Allowed after true up in this order	264.94	280.09	296.14	313.06	330.97

Interest on Working Capital (IWC)

28. The IWC has been worked out as per the methodology provided in the Regulation 18 of the 2009 Tariff Regulations and allowed as under:-

(₹ in lakh)

Interest on Working Capital	2009-10	2010-11	2011-12	2012-13	2013-14
As approved vide Order dated 10.2.2011	31.79	32.45	33.07	33.37	33.71
Claimed by the petitioner	32.22	32.81	33.25	33.92	34.87
Allowed after true up in this order	32.22	32.81	33.24	33.92	34.87



The difference in the approved IWC and that allowed after truing up is on account of change in the receivables during the 2009-14 tariff period.

APPROVED ANNUAL FIXED CHARGES FOR 2009-14 TARIFF PERIOD

29. The detailed computation of the various components of the trued up annual fixed charges for the instant transmission assets for the tariff period 2009-14 is summarised below:-

(₹ in lakh)					
Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Depreciation					
Opening Gross Block	5535.22	5594.11	5602.38	5708.35	5827.40
Additional Capitalisation	58.89	8.27	105.97	119.05	160.35
Closing Gross Block	5594.11	5602.38	5708.35	5827.40	5987.75
Average Gross Block	5564.67	5598.25	5655.37	5767.88	5907.58
Rate of Depreciation (%)	4.85	4.86	4.82	4.79	4.80
Depreciable Value	4809.52	4866.25	4894.88	4962.20	5093.82
Balance useful life of the asset	26.00	25.00	24.00	23.00	22.00
Elapsed life	1.00	2.00	3.00	4.00	5.00
Remaining Depreciable Value	4556.41	4316.60	4096.21	3924.97	3774.60
Depreciation during the year	270.03	271.81	272.49	276.10	283.48
Cumulative depreciation (incl. of AAD)	523.14	794.95	1067.44	1343.54	1627.02
Interest on Loan					
Gross Normative Loan	3874.97	3916.19	3921.98	3996.16	4079.50
Cumulative Repayments upto Previous Year	253.11	523.14	794.95	1067.44	1343.54
Net Loan-Opening	3621.86	3393.05	3127.03	2928.72	2735.96
Additions	41.22	5.79	74.18	83.34	112.25
Repayment during the year	270.03	271.81	272.49	276.10	283.48
Net Loan-Closing	3393.05	3127.03	2928.72	2735.96	2564.72
Average Loan	3507.46	3260.04	3027.88	2832.34	2650.34
Weighted Average Rate of Interest on Loan (%)	9.3660	9.3610	9.3532	9.3460	9.3442
Interest on Loan	328.51	305.17	283.21	264.71	247.65
Return on Equity					
Opening Equity	1660.25	1677.92	1680.40	1712.19	1747.90
Additions	17.67	2.48	31.79	35.72	48.11
Closing Equity	1677.92	1680.40	1712.19	1747.90	1796.01
Average Equity	1669.08	1679.16	1696.29	1730.05	1771.96



Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Return on Equity (Base Rate) (%)	15.500	15.500	15.500	15.500	15.500
MAT Rate for respective year (%)	16.995	19.931	20.008	20.008	20.961
Rate of Return on Equity (%)	18.674	19.358	19.377	19.377	19.610
Return on Equity	311.68	325.06	328.69	335.23	347.49
Interest on Working Capital					
O & M Expenses	22.07	23.33	24.67	26.08	27.57
Maintenance Spares	39.74	42.01	44.42	46.96	49.65
Receivables	201.23	202.49	202.29	203.84	207.41
Total Working Capital	263.04	267.84	271.38	276.87	284.63
Rate of Interest (%)	12.25	12.25	12.25	12.25	12.25
Interest of working capital	32.22	32.81	33.24	33.92	34.87
Annual Transmission Charges					
Depreciation	270.03	271.81	272.49	276.10	283.48
Interest on Loan	328.51	305.17	283.21	264.71	247.65
Return on Equity	311.68	325.06	328.69	335.23	347.49
Interest on Working Capital	32.22	32.81	33.24	33.92	34.87
O & M Expenses	264.94	280.09	296.14	313.06	330.97
Total	1207.37	1214.94	1213.77	1223.02	1244.46

DETERMINATION OF ANNUAL FIXED CHARGES FOR 2014-19 TARIFF PERIOD

30. The petitioner has claimed the tariff charges for 2014-19 tariff period as under:-

(₹ in lakh)

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation	287.72	287.72	287.72	287.72	287.72
Interest on Loan	226.18	199.28	172.37	145.46	118.55
Return on Equity	352.20	352.20	352.20	352.20	352.20
Interest on Working Capital	36.77	36.71	36.67	36.64	36.64
O & M Expenses	304.69	314.81	325.28	336.03	347.21
Total	1207.56	1190.72	1174.24	1158.05	1142.32

31. The details submitted by the petitioner in support of its claim for interest on working capital are given hereunder:-

(₹ in lakh)

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
O&M Expenses	25.39	26.23	27.11	28.00	28.93
Maintenance Spares	45.70	47.22	48.79	50.40	52.08
Receivables	201.26	198.45	195.71	193.01	190.39
Total working capital	272.35	271.90	271.61	271.41	271.40



Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Rate of Interest	13.50	13.50	13.50	13.50	13.50
Interest of working capital	36.77	36.71	36.67	36.64	36.64

Capital Cost

32. Clause (3) and (6) of Regulation 9 of 2014 Tariff Regulation provide as follows:-

“(3) The Capital cost of an existing project shall include the following:

(a) the capital cost admitted by the Commission prior to 1.4.2014 duly trued up by excluding liability, if any, as on 1.4.2014;

(b) additional capitalization and de-capitalization for the respective year of tariff as determined in accordance with Regulation 14; and

(c) expenditure on account of renovation and modernisation as admitted by this Commission in accordance with Regulation 15.”

“(6) The following shall be excluded or removed from the capital cost of the existing and new project:

(a) The assets forming part of the project, but not in use; (b) Decapitalisation of Asset;”

33. The capital cost of ₹5987.75 lakh worked out by the Commission as on 31.3.2014 has been considered as opening capital cost as on 1.4.2014 for determination of tariff in accordance with Regulation 9 of the 2014 Tariff Regulations.

Additional Capital Expenditure

34. The petitioner has not projected any additional capital expenditure for the 2014-19 tariff period. Further, the petitioner has submitted, vide affidavit dated 28.1.2016 that the work is complete and there is no undischarged liability during 2014-19 tariff period. Accordingly, no additional capital expenditure is being considered for tariff computation of 2014-19 period.

Debt: Equity

35. Clause (1) and (3) of Regulation 19 of the 2014 Tariff Regulations provide as follows:-*



“19. Debt-Equity Ratio: (1) For a project declared under commercial operation on or after 1.4.2014, the debt-equity ratio would be considered as 70:30 as on COD. If the equity actually deployed is more than 30% of the capital cost, equity in excess of 30% shall be treated as normative loan:”

“(3) In case of the generating station and the transmission system including communication system declared under commercial operation prior to 1.4.2014, debt equity ratio allowed by the Commission for determination of tariff for the period ending 31.3.2014 shall be considered.”

“(5) Any expenditure incurred or projected to be incurred on or after 1.4.2014 as maybe admitted by the Commission as additional capital expenditure for determination of tariff, and renovation and modernisation expenditure for life extension shall be serviced in the manner specified in clause (1) of this regulation.”

36. The petitioner has considered the debt:equity ratio of 70.01:29.99 as on 31.3.2014, which is in line with the 2014 Tariff Regulations. The details of the debt:equity considered for the purpose of tariff for 2014-19 tariff period is as follows:-

(₹ in lakh)

Funding	Capital cost as on 31.3.2014	(%)	Additional capital expenditure during 2014-19	(%)	Total Cost as on 31.3.2019	(%)
Debt	4191.74	70.01	0.00	00.00	4191.74	70.01
Equity	1796.01	29.99	0.00	00.00	1796.01	29.99
Total	5987.75	100.00	0.00	00.00	5987.75	100.00

Return on Equity (ROE)

37. Clause (1) and (2) of Regulations 24 and Clause (2) of Regulation 25 of the 2014 Tariff Regulations specify as under:-

“24. Return on Equity: (1) Return on equity shall be computed in rupee terms, on the equity base determined in accordance with regulation 19.

(2) Return on equity shall be computed at the base rate of 15.50% for thermal generating stations, transmission system including communication system”

“25. Tax on Return on Equity:

(2) Rate of return on equity shall be rounded off to three decimal places and shall be computed as per the formula given below:

Rate of pre-tax return on equity = Base rate / (1-t)



Where “t” is the effective tax rate in accordance with Clause (1) of this regulation and shall be calculated at the beginning of every financial year based on the estimated profit and tax to be paid estimated in line with the provisions of the relevant Finance Act applicable for that financial year to the company on pro-rata basis by excluding the income of non-generation or non-transmission business, as the case may be, and the corresponding tax thereon. In case of generating company or transmission licensee paying Minimum Alternate Tax (MAT), “t” shall be considered as MAT rate including surcharge and cess.”

38. The petitioner has submitted that MAT rate is applicable to the petitioner's company. Accordingly, the MAT rate applicable during the 2013-14 has been considered for the purpose of ROE, which shall be trued up with actual tax rate in accordance with Clause (3) of Regulation 25 of the 2014 Tariff Regulations. The ROE has been worked out and allowed as follows:-

(₹ in lakh)

Return on Equity	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Additions	0.00	0.00	0.00	0.00	0.00
Closing Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Average Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Return on Equity (Base Rate) (%)	15.500	15.500	15.500	15.500	15.500
MAT Rate for respective year (%)	20.961	20.961	20.961	20.961	20.961
Rate of Return on Equity (%)	19.610	19.610	19.610	19.610	19.610
Return on Equity	352.21	352.21	352.21	352.21	352.21

Interest on Loan (“IoL”)

39. Clause 5 and Clause 6 of Regulation 26 of the 2014 Tariff Regulations provides that:-

“(5) The rate of interest shall be the weighted average rate of interest calculated on the basis of the actual loan portfolio after providing appropriate accounting adjustment for interest capitalized:

Provided that if there is no actual loan for a particular year but normative loan is still outstanding, the last available weighted average rate of interest shall be considered:

Provided further that if the generating station or the transmission system, as the case may be, does not have actual loan, then the weighted average rate of interest of the generating company or the transmission licensee as a whole shall be considered.



(6) The interest on loan shall be calculated on the normative average loan of the year by applying the weighted average rate of interest.”

40. The weighted average rate of IoL has been considered on the basis of rate prevailing as on 1.4.2014. The petitioner has prayed that the change in interest rate due to floating rate of interest applicable, if any, during 2014-19 tariff period will be adjusted. Accordingly, the floating rate of interest, if any, shall be considered at the time of true up or next revision of tariff. By considering above, the IoL has been worked out in accordance with Regulation 26 of the 2014 Tariff Regulations. The details of weighted average rate of interest for 2014-19 tariff period are placed in Annexure-2 and the IoL has been worked out and allowed as follows:-

(₹ in lakh)					
Interest on Loan	2014-15	2015-16	2016-17	2017-18	2018-19
Gross Normative Loan	4191.74	4191.74	4191.74	4191.74	4191.74
Cumulative Repayment upto Previous Year	1627.02	1914.75	2202.47	2490.19	2777.91
Net Loan-Opening	2564.72	2277.00	1989.27	1701.55	1413.83
Additions	0.00	0.00	0.00	0.00	0.00
Repayment during the year	287.72	287.72	287.72	287.72	287.72
Net Loan-Closing	2277.00	1989.27	1701.55	1413.83	1126.11
Average Loan	2420.86	2133.13	1845.41	1557.69	1269.97
Weighted Average Rate of Interest on Loan (%)	9.3430	9.3419	9.3404	9.3382	9.3349
Interest on Loan	226.18	199.28	172.37	145.46	118.55

Depreciation

41. Clause (2), (5) and (6) of Regulation 27 of the 2014 Tariff Regulations provide that:-

"27. Depreciation:

...(2) The value base for the purpose of depreciation shall be the capital cost of the asset admitted by the Commission. In case of multiple units of a generating station or multiple elements of transmission system, weighted average life for the generating station of the transmission system shall be applied. Depreciation shall be chargeable from the first year of commercial operation. In case of commercial operation of the asset for part of the year, depreciation shall be charged on pro rata basis”



“(5) Depreciation shall be calculated annually based on Straight Line Method and at rates specified in Appendix-II to these regulations for the assets of the generating station and transmission system:

Provided that the remaining depreciable value as on 31st March of the year closing after a period of 12 years from the effective date of commercial operation of the station shall be spread over the balance useful life of the assets.

(6) In case of the existing projects, the balance depreciable value as on 1.4.2014 shall be worked out by deducting the cumulative depreciation as admitted by the Commission upto 31.3.2014 from the gross depreciable value of the assets.”

42. The depreciation has been worked out considering the admitted capital expenditure as on 31.3.2014 and accumulated depreciation up to 31.3.2014. The detailed calculations for depreciation for the transmission asset are worked out and allowed as follows:-

(₹ in lakh)					
Depreciation	2014-15	2015-16	2016-17	2017-18	2018-19
Opening Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Additional Capitalization	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Average Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Freehold Land (Av. Cost)	307.30	307.30	307.30	307.30	307.30
Rate of Depreciation (%)	4.81	4.81	4.81	4.81	4.81
Elapsed life	6	7	8	9	10
Balance Useful life of the asset	21	20	19	18	17
Remaining Depreciable Value	3563.28	3275.55	2987.83	2700.11	2412.39
Depreciation during the year	287.72	287.72	287.72	287.72	287.72

Operation & Maintenance Expenses (“O&M Expenses”)

43. Clause 3(a) of Regulation 29 of the 2014 Tariff Regulations specifies the norms for O&M Expenses for the transmission system. The total allowable O&M Expenses for the instant assets have been worked out and allowed are as follows:-

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
220 kV Bays:					
No. of Bays	7	7	7	7	7
Norms (₹ lakh/Bay)	42.21	43.61	45.06	46.55	48.10
Line: S/C (Single Conductor):					



Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Line Length (km)	42.50	42.50	42.50	42.50	42.50
Norms (₹ lakh/km)	0.202	0.209	0.216	0.223	0.230
Line: D/C (Single Conductor):					
Line Length (km)	2.11	2.11	2.11	2.11	2.11
Norms (₹ lakh/km)	0.303	0.313	0.324	0.334	0.346
Total O&M Expenses (₹ lakh)	304.69	314.81	325.28	336.03	347.21

44. The petitioner has further submitted that the wage revision of the employees of the petitioner company is due during 2014-19 and actual impact of wage hike which will be effective from a future date has also not been factored in fixation of the normative O&M rate specified for the 2014-19 tariff period. The petitioner has also prayed that it will approach the Commission for suitable revision in the norms of O&M Expenses for claiming the impact of such increase. Rajasthan Discoms have submitted that the expenses sought be allowed in accordance with the O&M norms as per 2014 Tariff Regulations. We would like to clarify that any application filed by the petitioner for revision of O&M Expenses on account of wage revision will be dealt with in accordance with the appropriate provisions of the 2014 Tariff Regulations. The O&M Expenses are allowed for the instant transmission asset as per prevailing norms.

Interest on Working Capital (“IWC”)

45. Clause 1 (c) of Regulation 28 and Clause 5 of Regulation 3 of the 2014 Tariff Regulations specifies as follows:

“28. Interest on Working Capital

- (c) (i) Receivables equivalent to two months of fixed cost;
(ii) Maintenance spares @ 15% of operation and maintenance expenses specified in regulation 29; and
(iii) Operation and maintenance expenses for one month”

“(5) ‘Bank Rate’ means the base rate of interest as specified by the State Bank of India from time to time or any replacement thereof for the time being in effect plus 350 basis points;”



46. The petitioner has submitted that it has computed interest on working capital for the tariff block 2014-19 considering the SBI Base Rate plus 350 basis points as on 1.4.2014. The rate of interest on working capital considered is 13.50%. Rajasthan Discoms have submitted that the expenses sought should be allowed only as per norms specified in 2014 Tariff Regulations.

47. The interest on working capital is worked out in accordance with Regulation 28 of the 2014 Tariff Regulations. The rate of interest on working capital considered is 13.50% (SBI Base Rate of 10% plus 350 basis points). The components of the working capital and interest thereon have been worked as follows:-

(₹ in lakh)

Interest on Working Capital	2014-15	2015-16	2016-17	2017-18	2018-19
O & M expenses	25.38	26.22	27.10	27.99	28.92
Maintenance Spares	45.70	47.22	48.79	50.40	52.08
Receivables	201.26	198.45	195.71	193.01	190.39
Total	272.35	271.90	271.60	271.41	271.39
Rate of Interest (%)	13.50	13.50	13.50	13.50	13.50
Interest on Working Capital	36.77	36.71	36.67	36.64	36.64

ANNUAL FIXED CHARGES FOR THE 2014-19 TARIFF PERIOD

48. The transmission charges allowed for the instant transmission assets for the 2014-19 tariff period are summarised below:-

(₹ in lakh)

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation					
Opening Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Additional Capitalisation	0.00	0.00	0.00	0.00	0.00
Closing Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Average Gross Block	5987.75	5987.75	5987.75	5987.75	5987.75
Rate of Depreciation (%)	4.81	4.81	4.81	4.81	4.81
Depreciable Value	5184.56	5112.41	5112.41	5112.41	5112.41
Balance useful life of the asset	21.00	20.00	19.00	18.00	17.00
Elapsed life	6.00	7.00	8.00	9.00	10.00
Remaining Depreciable Value	3563.28	3275.55	2987.83	2700.11	2412.39



Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Depreciation during the year	287.72	287.72	287.72	287.72	287.72
Cumulative depreciation (incl. of AAD)	1914.75	2202.47	2490.19	2777.91	3065.63
Interest on Loan					
Gross Normative Loan	4191.74	4191.74	4191.74	4191.74	4191.74
Cumulative Repayments upto Previous Year	1627.02	1914.75	2202.47	2490.19	2777.91
Net Loan-Opening	2564.72	2277.00	1989.27	1701.55	1413.83
Additions	0.00	0.00	0.00	0.00	0.00
Repayment during the year	287.72	287.72	287.72	287.72	287.72
Net Loan-Closing	2277.00	1989.27	1701.55	1413.83	1126.11
Average Loan	2420.86	2133.13	1845.41	1557.69	1269.97
Weighted Average Rate of Interest on Loan (%)	9.3430	9.3419	9.3404	9.3382	9.3349
Interest on Loan	226.18	199.28	172.37	145.46	118.55
Return on Equity					
Opening Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Additions	0.00	0.00	0.00	0.00	0.00
Closing Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Average Equity	1796.01	1796.01	1796.01	1796.01	1796.01
Return on Equity (Base Rate)(%)	15.500	15.500	15.500	15.500	15.500
MAT Rate for respective year (%)	20.961	20.961	20.961	20.961	20.961
Rate of Return on Equity (%)	19.610	19.610	19.610	19.610	19.610
Return on Equity	352.21	352.21	352.21	352.21	352.21
Interest on Working Capital					
O & M Expenses	25.38	26.22	27.10	27.99	28.92
Maintenance Spares	45.70	47.22	48.79	50.40	52.08
Receivables	201.26	198.45	195.71	193.01	190.39
Total Working Capital	272.35	271.90	271.60	271.41	271.39
Rate of Interest (%)	13.50	13.50	13.50	13.50	13.50
Interest of working capital	36.77	36.71	36.67	36.64	36.64
Annual Transmission Charges					
Depreciation	287.72	287.72	287.72	287.72	287.72
Interest on Loan	226.18	199.28	172.37	145.46	118.55
Return on Equity	352.21	352.21	352.21	352.21	352.21
Interest on Working Capital	36.77	36.71	36.67	36.64	36.64
O & M Expenses	304.69	314.81	325.28	336.03	347.21
Total	1207.57	1190.72	1174.25	1158.06	1142.32



Deferred Tax Liability

49. The petitioner has sought recovery of deferred tax liability before 1.4.2009 from the beneficiaries or long term consumers/ DICs as and when materialized. The deferred tax liability shall be dealt as per Regulations 49 of the 2014 Tariff Regulations, as amended. Accordingly, the petitioner is entitled to recover the deferred tax liability upto 31.3.2009 whenever the same gets materialized directly from the beneficiaries or long term transmission customers /DICs.

Filing Fee and the Publication Expenses

50. The petitioner has sought reimbursement of fee paid by it for filing the petition and publication expenses. The petitioner shall be entitled for reimbursement of the filing fees and publication expenses in connection with the present petition, directly from the beneficiaries on pro-rata basis in accordance with Regulation 52 (1) of the 2014 Tariff Regulations.

Licence Fee & RLDC Fees and Charges

51. The petitioner shall be entitled for reimbursement of licence fee in accordance with Regulation 52 (2) (b) of the 2014 Tariff Regulations for 2014-19 tariff period. The petitioner shall also be entitled for recovery of RLDC fee & charges in accordance with Regulations 52 (2) (a) of the 2014 Tariff Regulations for 2014-19 tariff period.

Service Tax

52. The petitioner has prayed for reimbursement of service tax if it is subjected to such tax in future. Rajasthan Discoms have submitted that the petitioner's prayer is on presumption basis and hence it should not be allowed. We are of the view that the petitioner's prayer is premature.



Sharing of Transmission Charges

53. The billing, collection and disbursement of the transmission charges approved shall be governed by the provisions of Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010, as amended from time to time as provided in Regulation 43 of the 2014 Tariff Regulations.

54. This order disposes of Petition No.428/TT/2014.

sd/-

(Dr. M.K. Iyer)
Member

sd/-

(A.S. Bakshi)
Member



DETAILS OF LOAN BASED ON ACTUAL LOAN PORTFOLIO FOR 2009-14

(₹ in lakh)

Particulars	Interest Rate (%)	Loan deployed as on 1.4.2009	Additions during the tariff period	Total
BOND XXI-DOCO-	8.73	239.00	0.00	239.00
BOND XXII-DOCO-	8.68	423.00	0.00	423.00
BOND XXIV-DOCO-	9.95	954.00	0.00	954.00
BOND XXVI-DOCO-	9.30	1541.00	0.00	1541.00
BOND XXVII-DOCO-	9.47	125.00	0.00	125.00
BOND XXVIII-DOCO-	9.33	408.00	0.00	408.00
BOND XXX-ADDCAP FOR 2009-10 changed by Fin.-	8.80	0.00	41.22	41.22
BOND XXX-ADDCAP FOR 2010-2011 changed by Fin.-	8.80	0.00	5.79	5.79
BOND XXX-ADDCAP FOR 2011-2012 changed by Fin.1-	8.80	0.00	37.76	37.76
BOND XXXI-ADDCAP FOR 2011-2012 changed by Fin.2-	8.90	0.00	15.00	15.00
BOND-XXXIV-ADDCAP FOR 2011-2012 changed by Fin.3-	8.84	0.00	18.00	18.00
BOND XXXVI-ADDCAP FOR 2011-2012 changed by Fin.4-	9.35	0.00	3.42	3.42
BOND XXXVI-ADDCAP FOR 2012-2013 changed by Fin.-	9.35	0.00	82.58	82.58
BOND XXXVIII-ADDCAP FOR 2012-2013 changed by Fin.-	9.25	0.00	0.76	0.76
BOND XXXVIII-ADDCAP FOR 2013-2014 changed by Fin.-	9.25	0.00	88.24	88.24
BOND - XLV-ADDCAP FOR 2013-2014 changed by Fin.-	9.65	0.00	24.00	24.00
Total		3690.00	316.77	4006.77

WEIGHTED AVERAGE RATE OF INTEREST ON LOAN DURING 2009-14 TARIFF PERIOD

(₹ in lakh)

Particulars	2009-10	2010-11	2011-12	2012-13	2013-14
Gross Opening Loan	3690.00	3731.22	3737.01	3811.16	3894.50
Cumulative Repayments of Loans upto Previous Year	0.00	0.00	134.67	408.18	715.69
Net Loans Opening	3690.00	3731.22	3602.34	3402.98	3178.81
Add: Draw(s) during the Year	41.22	5.79	74.18	83.34	112.24
Less: Repayments of Loan during the year	0.00	134.67	273.51	307.51	315.83
Net Closing Loan	3731.22	3602.34	3403.01	3178.81	2975.22
Average Net Loan	3710.61	3666.78	3502.68	3290.90	3077.02
Rate of Interest on Loan (%)	9.3660	9.3610	9.3532	9.3460	9.3442
Interest on Loan	347.53	343.25	327.61	307.57	287.52



DETAILS OF LOAN BASED ON ACTUAL LOAN PORTFOLIO FOR 2014-19

(₹ in lakh)

Particulars	Interest Rate (%)	Loan deployed as on 1.4.2014	Additions during the tariff period	Total
BOND XXI-DOCO-	8.73	239.00	0.00	239.00
BOND XXII-DOCO-	8.68	423.00	0.00	423.00
BOND XXIV-DOCO-	9.95	954.00	0.00	954.00
BOND XXVI-DOCO-	9.30	1541.00	0.00	1541.00
BOND XXVII-DOCO-	9.47	125.00	0.00	125.00
BOND XXVIII-DOCO-	9.33	408.00	0.00	408.00
BOND XXX-ADDCAP FOR 2009-10 changed by Fin.-	8.80	41.22	0.00	41.22
BOND XXX-ADDCAP FOR 2010-2011 changed by Fin.-	8.80	5.76	0.00	5.76
BOND XXX-ADDCAP FOR 2011-2012 changed by Fin.1-	8.80	37.76	0.00	37.76
BOND XXXI-ADDCAP FOR 2011-2012 changed by Fin.2-	8.90	15.00	0.00	15.00
BOND-XXXIV-ADDCAP FOR 2011-2012 changed by Fin.3-	8.84	18.00	0.00	18.00
BOND XXXVI-ADDCAP FOR 2011-2012 changed by Fin.4-	9.35	3.42	0.00	3.42
BOND XXXVI-ADDCAP FOR 2012-2013 changed by Fin.-	9.35	82.58	0.00	82.58
BOND XXXVIII-ADDCAP FOR 2012-2013 changed by Fin.-	9.25	0.76	0.00	0.76
BOND XXXVIII-ADDCAP FOR 2013-2014 changed by Fin.-	9.25	88.24	0.00	88.24
BOND - XLV-ADDCAP FOR 2013-2014 changed by Fin.-	9.65	24.00	0.00	24.00
Total		4006.74	0.00	4006.74

WEIGHTED AVERAGE RATE OF INTEREST ON LOAN DURING 2014-19 TARIFF PERIOD

(₹ in lakh)

Particulars	2014-15	2015-16	2016-17	2017-18	2018-19
Gross Opening Loan	4006.74	4006.74	4006.74	4006.74	4006.74
Cumulative Repayments of Loans upto Previous Year	1031.52	1348.85	1666.18	1989.25	2314.32
Net Loans Opening	2975.22	2657.89	2340.56	2017.49	1692.42
Add: Draw(s) during the Year	0.00	0.00	0.00	0.00	0.00
Less: Repayments of Loan during the year	317.33	317.33	323.07	325.07	325.07
Net Closing Loan	2657.89	2340.56	2017.49	1692.42	1367.35
Average Net Loan	2816.56	2499.23	2179.03	1854.96	1529.89
Rate of Interest on Loan (%)	9.3430	9.3419	9.3404	9.3382	9.3349
Interest on Loan	263.15	233.48	203.53	173.22	142.81

