

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 14/RP/2015
In Petition No. 201/TT/2012**

Coram

**Shri Gireesh B. Pradhan, Chairman
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member**

Date of order : 29.06.2016

In the matter of

Review of Commission's order dated 6.5.2015 in Petition No. 201/TT/2012 tariff of transmission assets (Group-3) associated with 765 kV system for Central Part of Northern Grid Part-II in Northern Region for 2009-14 tariff block was allowed under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009.

And in the matter of:

Power Grid Corporation of India Limited,
"Saudamani", Plot No.2,
Sector-29, Gurgaon -122 001

.....**Review petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.,
Vidyut Bhawan, Vidyut Marg,
Jaipur- 302 005.
2. Ajmer Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor), Ajmer Road,
Heerapura, Jaipur.



3. Jaipur Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor), Ajmer Road,
Heerapura, Jaipur.
4. Jodhpur Vidyut Vitran Nigam Ltd.,
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 Electricity Board,
Thermal, Shed TIA,
Near 22 Phatak,
Patiala-147 001.
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula (Haryana)-134 109.
8. Power Development Department,
Government of Jammu and Kashmir,
Mini Secretariat, Jammu.
9. UP Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226 001.
10. Delhi Transco Ltd.,
Shakti Sadan, Kotla Road,
New Delhi-110 002.
11. BSES Yamuna Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi.
12. BSES Rajdhani Power Ltd.,
BSES Bhawan, Nehru Place,



New Delhi.

13. North Delhi Power Ltd.,
Power Trading & Load Dispatch Group,
Cennet Building, Adjacent to 66/11 kV Pitampura-3,
Grid Building, Near PP Jewellers
Pitampura, New Delhi-110 034.

14. Chandigarh Administration,
Sector-9, Chandigarh.

15. Uttarakhand Power Corporation Ltd.,
Urja Bhawan, Kanwali Road,
Dehradun.

16. North Central Railway,
Allahabad.

17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110 002.

.....**Respondents**

For review petitioner : Shri Sitesh Mukherjee, Advocate, PGCIL
Ms. Akansha Tyagi, Advocate, PGCIL
Shri J. Mazumder, PGCIL
Shri Shashi Bhushan, PGCIL
Shri S.S. Raju, PGCIL
Ms. Sangeeta Edwards, PGCIL

For respondent : Shri Pradeep Misra, Advocate, RRVPNL
Shri Manoj Kumar Sharma, Advocate, RRVPNL
Shri R.B. Sharma, Advocate, BRPL
Shri ManojGoel, UPPCL
Shri Manish, UPPCL
Shri Rajiv Porwal, NRLDC
Shri D.K. Jain, NRLDC



ORDER

The instant review petition has been filed by Power Grid Corporation of India Limited (PGCIL) seeking review of the order dated 6.5.2015 in Petition No. 201/TT/2012, wherein the tariff for transmission assets (Group-3) associated with 765 kV system for Central Part of Northern Grid Part-II in Northern Region was determined for 2009-14 tariff block in terms of the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 (the 2009 Tariff Regulations).

2. The review petitioner has sought review of the order dated 6.5.2015 on the following grounds:-

- a) Allow tariff of asset 2(a) and 3(a) from date of commercial operation (COD) i.e. 1.10.2012 and 1.2.2013 respectively; and
- b) Allow initial spares of ₹188.69 lakh for Asset 3(a).

3. Brief facts of the case are that as per the Investment Approval (IA) dated 31.7.2009, the assets covered under Petition No. 201/TT/2012 were scheduled to be commissioned within 30 months from the date of IA i.e. by 30.1.2012. The review petitioner initially claimed transmission charges for the instant transmission assets on the basis of anticipated dates of commercial operation. Later, vide affidavits dated 20.2.2013 and 16.10.2014, the review petitioner submitted that Asset-2 and Asset-3 have been split into two parts each. The details of the scheduled COD, anticipated



COD, COD claimed by the petitioner and the COD approved by the Commission are as per details given hereunder:-

Asset	Scheduled COD	Anticipated COD	COD claimed by PGCIL	Approved COD
Asset-1 Associated bays for LILO of both circuits of 400 kV D/C Bamnauli Mundka/Bawana at Jhatikara 765/400 kV new Sub-station	30.1.2012	1.9.2012	1.10.2012	1.10.2012
Asset-2(a) Associated bays for Agra-Jhatikara transmission line at Jhatikara		1.1.2013	1.10.2012	1.5.2013
Asset-2(b) Associated bays for Agra-Jhatikara transmission line at Agra			1.5.2013	1.5.2013
Asset-3(a) Associated bays for Agra-Meerut transmission line at Meerut end		1.12.2012	1.2.2013	1.6.2013
Asset-3(b) Associated bays for Agra-Meerut transmission line at Agra end			1.6.2013	1.6.2013

4. In the impugned order, the COD of Asset 2 (a) and Asset 3(a) were considered as 1.5.2013 and 1.6.2013 respectively against the petitioner's claim of 1.10.2012 and 1.2.2013 respectively. The relevant extract of order is as under:-

"5. The petitioner has declared the commercial operation of Asset-2(a) (Associated bays for Agra-Jhatikara transmission line at Jhatikara) and Asset 3(a) (Associated bays for Agra-Meerut transmission line at Meerut end) on 1.10.2012 and 1.2.2013 respectively and in response to query during hearing on 13.11.2014 submitted that the said bays and the associated transmission lines were charged on the same day. However, it has been observed that the Agra-Jhatikara line associated with Asset-2(a) and the Agra-Meerut line associated with Asset 3(a), covered in Petition No. 199/TT/2012, were commissioned on 1.5.2013 and 1.6.2013 respectively. Asset-2(a) and 3(a) were commissioned before commissioning the associated lines. The petitioner has not given any justification for declaring the date of commercial operation of the 765 kV line bays without commissioning of associated lines. We are of the view that the bays commissioned before the commissioning of the associated lines were not in regular service. Accordingly, we allow tariff for Asset-2(a) and Asset-3(b) matching with the date of commissioning of the associated transmission



lines on 1.5.2013 and 1.6.2013 respectively. Asset-2(a) and 3(a) were commissioned before commissioning the associated lines.”

5. Reply to the petition has been filed by BSES Rajdhani Power Limited (BRPL), Respondent No. 12, vide affidavit dated 8.9.2015. Based on the submissions of the review petitioner and respondents and the documents available on record, we consider the issue raised by the review petitioner in the subsequent paragraphs.

Approval of COD of Asset 2(a) i.e. Associated bays for Agra-Jhatikara transmission line at Jhatikara

6. The review petitioner has submitted the following reasons in support of its claim:-

- a) The review petitioner, vide affidavit dated 11.12.2014 in the main petition, has submitted energisation certificate issued by CEA for COD of Asset 2, as 1.10.2012. However, the same was inadvertently not considered by the Commission;
- b) Jhatikara Sub-station was charged for the first time alongwith Asset 2(a) on 1.10.2012. The commissioning of "240 MVAR Bus Reactor along with associated bays for Agra-Jhatikara transmission line at Jhatikara" was essential to control the high voltage at Jhatikara Sub-station;
- c) The voltage data at Jhatikara after commissioning of the reactors and bays is as follows:-

Srl. No.	Month	Maximum Voltage during the month (kV)	% of time in which Voltage is more than 420 kV
1.	October, 2012	432 kV	13%
2.	November, 2012	430 kV	44%



Srl. No.	Month	Maximum Voltage during the month (kV)	% of time in which Voltage is more than 420 kV
3.	December, 2012	427 kV	8%
4.	January, 2013	424 kV	3%
5.	February, 2013	424 kV	6%
6.	March, 2013	424 kV	17%
7.	April, 2013	429 kV	20%

d) As per the voltage data of Jhatikara Sub-station, the voltage at 400 kV side of Jhatikara Sub-station is continuously high even after commissioning of 240 MVAR Reactor at Jhatikara Sub-station and it indicates that if reactors were not installed then the voltage at Jhatikara Sub-station would have been even more than the voltages mentioned in the above table. Therefore, the commissioning of reactors at Jhatikara Sub-station was essential to control the voltage.

Approval of COD of Asset 3(a) i.e. Associated bays for Agra-Meerut transmission line at Meerut end

7. The review petitioner has submitted that vide affidavit dated 11.12.2014 in the main petition, it apprised the Commission that the COD of Asset 3(a) was 1.2.2013. However, that was not considered by the Commission while passing the impugned order. The review petitioner has re-stated the contents of affidavit which are as follows:-

“Asset 3(a) is charged along with "240 MVA Switchable line reactor used as Bus Reactor" on 01.02.2013 to control the high voltage at Meerut Sub-station and the same is continuously in service since then. As can be seen from the below mentioned table (voltage profile Meerut Sub-station prior to charging of the reactor), equipment at Meerut Sub-station are subjected to high voltage (beyond the permissible limit as indicated in Indian Electricity Grid Code Regulations, 2010 issued by this Hon'ble Commission). The high voltage results stresses in equipment thereby deteriorating their insulation level. It was essential to put additional reactive compensation for controlling the voltage, hence the said reactor was commissioned as asset 3(a) COD was declared.”



8. The review petitioner has made following submission:-

a) During light load conditions, voltage at 400 kV side on Meerut Sub-station used to cross maximum voltage limit (i.e. 420 kV) which requires opening of connected lines to control the voltage thus reducing reliability and stability of grid. In order to control the voltage level, it sought the prior approval from Central Electricity Authority ("CEA") to commission line reactors at Meerut Sub-station. The proposal of the review petitioner was examined by CEA as it was found to be helpful in mitigating over voltage problem at Meerut Sub-station, CEA accorded the permission for commissioning of 765 kV line reactors through ICT at Meerut Sub-station vide letter dated 31.1.2013;

b) The voltage data at Meerut Sub-station is as follows:-

Srl. No.	Month	Maximum Voltage during the month (kV)	% of time in which Voltage is more than 420 kV (prior and after COD of Reactor)
1.	December,2012	430 kV	16 %
2.	January, 2013	435 kV	14%
3.	February, 2013	436 kV	33%
4.	March, 2013	432 kV	25%

c) Even after commissioning of 240 MVAR Reactor at Meerut Sub-station and putting it into operation continuously, voltage of Meerut Sub-station was exceeding the maximum voltage limit, which indicates that if Reactors were not installed then the voltage at Meerut Sub-station would have been more than the voltages mentioned in the above table. The commissioning of



reactors at Meerut Sub-station was essential to control the voltage at Meerut Sub-station;

d) The 240 MVAR Bus Reactors at 765 kV Jhatikara and Meerut Sub-stations were commissioned to control the high voltage which may arise anytime in the Grid due to low power loading lines and various other factors. In winter season during night time, lines are lightly loaded due to less demand at the load centers which further causes the high voltage condition in the Grid. Therefore, to control the high voltage it was necessary to open various transmission lines which further cause threat for reliable and secured grid operation; and

e) These high voltage events at Jhatikara and Meerut posed a threat to national grid security and indicated vulnerability of the system. Accordingly, Asset2(a) and 3(a) were commissioned alongwith 240 MVAR bus reactors in the interest of national grid to control high voltage.

9. The review petitioner has submitted that the rejection of COD of Assets 2(a) and 3(a) as 1.10.2012 and 1.2.2013 respectively on the ground that the petitioner had not submitted any justification for declaring the COD of the 765 kV line bays without commissioning of associated lines, is erroneous and is liable to be corrected and rectified.

10. BRPL, Respondent No. 12, vide affidavit dated 8.9.2015 has submitted that the review petitioner has not been able to explain how the declaration of COD of the 765 kV



line bays was possible without commissioning of the respective associated lines since line bay is part of the transmission line and how the bays commissioned before the commissioning of the associated transmission line can be in regular service.

11. During the hearing, the review petitioner submitted that the Commission did not ask in the main petition the reasons for using the line reactors as bus reactors and commissioning of the reactors before the transmission lines and hence, the same were not submitted in the main petition. The review petitioner further submitted that it is not pressing for the review of the initial spares allowed in impugned order.

12. The learned counsel for BRPL while reiterating the submissions made in its affidavit submitted that the new facts have been presented by the petitioner at the stage of review and they should not be considered. He submitted that review petitioner should have filed all the relevant information including voltage profile of both Jhatikara and Meerut Sub-stations before and after commissioning of the Line Reactors as Bus Reactors even without the Commission asking for the same. The review petitioner has not given any reason for the high voltage even after use of Line Reactors as Bus Reactors.

13. The representative of UPPCL, Respondent No. 9, submitted that the review petitioner has submitted in the petition that both reactors and the corresponding transmission lines were commissioned on the same day. Later, the review petitioner submitted that the bays were commissioned before the lines to control the voltage



problem and is now stating that the voltage problem subsists even after the use of line reactors as bus reactors. It appears that there are problems with the original equipment installed in Jhatikara and Meerut Sub-stations. The review petitioner is bringing new facts at the stage of review which should not be considered. Therefore, there is no error in the impugned order.

14. The Commission directed CEA and NRLDC to assist the Commission on the issue of energization certificate and charging of the transmission assets for regular use. However, no feedback has been received from either CEA or NRLDC.

Analysis and Decision

15. We have considered the issues raised by the review petitioner and respondents and documents available on record. The main ground for review is that the materials placed on record by the review petitioner in the main petition were not considered while passing the impugned order and this is an apparent error on the face of record. The power of the Commission to review its order under clause (f) of sub-section (1) of Section 94 of the Electricity Act is analogous to the power of a Civil Court under Section 114 read with Order 47, Rule 1 of the Code of Civil Procedure. The Commission can review its order on any of the grounds enumerated in Order 47, Rule 1, but not otherwise. We shall now consider whether order dated 6.5.2015 suffers from any patent mistake or an error apparent so as to warrant its review.

16. The review petitioner has claimed that energization certificate in case of Asset 2 (a) was issued by CEA for COD on 1.10.2012 and the same was submitted by the



review petitioner under affidavit dated 11.12.2014 and this fact on record was not considered by the Commission while passing the impugned order. The review petitioner has further submitted that the line reactor was used as bus reactor and hence, the associated bays covered under the Asset 2(a) have been commissioned. In our view, the review petitioner has brought in a new fact that the line reactor was charged as bus reactor which was not submitted in the main petition. However, it is observed that the review petitioner has not approached appropriate forum, i.e. the RPC in the instant case, for approval of the deviation in the scope as envisaged under the investment approval. Further, the planning for maintaining proper voltages through review of reactive compensation requirement is a function identified for the RPC under Regulation 2.4.2 of Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010. The consent of the constituents of the RPC should have been obtained before approving the use of line reactor as bus reactor. Accordingly, the review petitioner contention that the Asset 2(a) was charged for using line reactor as bus reactor is not admissible.

17. As regards, Asset 3(a) pertaining to Meerut Sub-station, the review petitioner has submitted that Asset 3(a) was commissioned on 1.2.2013 after obtaining the Energisation Certificate on 31.1.2013. However, it is observed that the CEA certificate dated 31.1.2013 was for testing energization on temporary basis which cannot be taken as permission for regular energization. Further, in-principle approval of CEA vide their letter no. 1.9.2013/SP&PA/113 dated 31.1.2013 for commissioning of 2x240 MVAR line reactors at Meerut to control the high voltage needs to be seen in the light of Electrical



Inspector's permission dated 31.1.2013 for test energization of the asset which is only for testing purpose and not for regular energization. It is observed that Energization Certificate for Jhatikara Sub-station was issued by CEA on 26.11.2012. The justification given by review petitioner for high voltage at Jhatikara was not submitted earlier in the main petition. The details of high voltage at Jhatikara have been submitted now in Review Petition. Further, there is change in the use of Asset 3(a), from line reactor to bus reactor and this tantamount to change in the scope given in the investment approval. We are of the view that the review petitioner should have discussed this change in the use of Asset 3(a) in the RPC forum and taken the beneficiaries into confidence. The review petitioner has not submitted the approval of RPC for using line reactor as Bus reactor for controlling the voltage profile and had not submitted voltage profile at Jhatikara earlier in the main petition.

18. The review petitioner's contention that the bays were charged for commissioning line reactor as bus reactor on account of the voltage problem is a new fact which has been brought out for the first time in the review petition. Therefore, the voltage profile which was not on record of the Commission in the main petition cannot be considered at the stage of review.

19. The review petitioner has submitted during hearing on 24.9.2015 that the Commission did not ask the reason for using line reactor as bus reactor and commissioning of the reactors before transmission lines in the main petition and for that reason, the review petitioner did not submit the required information in the main petition. We do not agree with the contention of the review petitioner. It is the responsibility of the



review petitioner to submit all the relevant information which it considers pertinent to the issues involved in the petition at the time of filing the information. It appears from the submission of the review petitioner that the information was available with the petitioner but was not submitted because it was not asked by the Commission. As per Order 47 Rule 1 of the Code of Civil Procedure, only discovery of new and important matter of evidence which after exercise of due diligence, was not within the knowledge or could not be produced at the time when decree was made shall be a ground for review. Though the information was in the possession of the review petitioner, the same was not produced even though the said information had a bearing on the declaration of the date of commercial operation. In other words, the review petitioner had not made due diligence while submitting the information in the main petition. The review petitioner is submitting the said information in the review petition as an afterthought only after the Commission did not agree to the COD of the assets as claimed by the review petitioner. Therefore, case for review of the impugned order has not been made out.

21. It is important that the review petitioner at the time of filing the tariff petitions should furnish all relevant information and supporting documents in support of its claims so that need for seeking further information/documents is minimized. It is expected from the review petitioner to reveal all the information and facts in the main petition which helps in finalization of the tariff and other matters in future.



22. During the hearing, the review petitioner submitted that it was not pressing for review of the initial spares allowed in order dated 6.5.2015 in Petition No. 201/TT/2012.

Accordingly, the issue of initial spares is not considered by us.

23. In view of the above discussion, no ground has been made out for review of the impugned order. Accordingly, Petition No.14/RP/2015 is dismissed.

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

-sd-
(A.S. Bakshi)
Member

-sd-
(A.K. Singhal)
Member

-sd-
(Gireesh B. Pradhan)
Chairperson

