

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 33/RP/2016

Coram:

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

Date of Order : 26.08.2016

In the matter of:

Review of order dated 15.6.2016 in Petition No. 173/TT/2013 and 11/TT/2015 under Section 94(1)(f) of the Electricity Act, 2003 with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999

And in the matter of:

Essar Power Transmission Company Limited (EPTCL),
Tower-2, 5th 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, 10th 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,
27th KM on Surat-Hazira Road,
Hazira-394 270, Dist.-Surat
6. Government of Madhya Pradesh,
Energy Department, Mantralaya,
Vallabh Bhavan, Bhopal-462 004

.....Respondents

For petitioner : Shri Gopal Jain, Advocate, EPTCL
Shri Alok Shankar, Advocate, EPTCL
Shri Vishal Binod, Advocate, EPTCL
Shri Sachidanand Bhujnde, ESPTCL
Shri Sandeep Sahay, ESPTCL

For respondents : None

Interim Order

The instant review petition has been filed by the petitioner, Essar Power Transmission Company Limited (EPTCL), for review of order dated 15.6.2016 in Petition Nos. 173/TT/2013 and 11/TT/2015, whereby the transmission tariff for Combined assets of LILO of 400 kV S/C Vindhyachal-Korba Transmission Line and 400 kV D/C Gandhar-Hazira Transmission Line and 400/220 kV GIS Sub-station at Hazira and associated bays and 400 kV D/C Quad Moose Transmission Line from Mahan Thermal Power Plant-Sipat Pooling Sub-station and associated bays was determined for the years 2012-13 and 2013-14 in tariff block 2009-14 and truing up of annual fixed cost of combined assets of LILO of 400 kV S/C Vindhyachal-Korba Transmission Line and 400



kV D/C Gandhar-Hazira Transmission Line and 400/220 kV GIS Sub-station at Hazira and associated bays for 2013-14.

2. The review petitioner has submitted that claims of the review petitioner pertaining to capital cost, time over-run, IDC and IEDC was disallowed in order dated 15.6.2016. The review petitioner has submitted that there are certain errors apparent on the face of record in the impugned order. The review petitioner has prayed to modify the impugned and has also prayed that the impugned order should be kept in abeyance till the disposal of the instant review petition.

3. During the hearing on 9.8.2016, learned senior counsel for the review petitioner while reiterating the submissions made in the review petition, submitted that in order dated 15.6.2016, annual transmission charges of ₹6484 lakh was allowed for 2013-14 against ₹11271 lakh claimed by the review petitioner. He has submitted that such disallowance is due to errors apparent on the face of record and as a result the review petitioner is facing cash flow problems. Learned senior counsel further requested that the operation of the order be kept in abeyance till such time the instant review petition is decided.

4. We admit the review petition and direct issue of notice to the respondents. The petitioner is directed to serve copy of the review petition along with this order on the respondents by 29.8.2016. The respondents shall file their replies by 8.9.2016, with copy to the petitioner, who shall file its rejoinder, if any, by 16.9.2016. The parties shall



ensure the completion of the pleadings within the due date mentioned and no extension of time shall be granted for any reason whatsoever.

5. As regards the prayer of the petitioner to keep in abeyance the operation of the tariff order as it results in cash flow problems to the petitioner, we are of the view that it amounts to stay of the final tariff order dated 15.6.2016 and continuation of the provisional tariff order dated 12.9.2013. We are not inclined to grant the prayer as the petitioner can be compensated the difference between final tariff and the tariff to be revised, if it succeeds in the review petition. Therefore, no serious prejudice will be caused to the petitioner, if the final tariff order is implemented.

6. The review petition shall be listed for hearing on 20.9.2016.

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

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

