

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 107/TT/2012**

Subject : Remand of order dated 19.5.2014 in Petition No. 107/TT/2012 in the light of APTEL's Judgment dated 15.3.2017 in Appeal No. 127 of 2015.

Date of Hearing : 11.5.2017

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

Petitioner : Power Grid Corporation of India Limited (PGCIL)

Respondents : Madhya Pradesh Power Trading Company Ltd. and 9 others

For petitioner : Ms. Swapna Seshadri, Advocate, PGCIL  
Ms. Saloni Sacheti, Advocate, PGCIL  
Shri Parimal Piyush, NTPC

For respondent : Shri Nimesh Kr. Jha, Advocate, BALCO

**Record of Proceedings**

Learned counsel for PGCIL submitted that transmission tariff for Asset I : Korba-BALCO (Loc 179/2) 400 kV D/C transmission line-First ckt; Asset II: BALCO (179/2)-Vandana (176/0) 400 kV D/C transmission line-First ckt ; Asset III- Korba-Vandana (176/0) 400 kV D/C transmission line-Second ckt ; Asset IV- BALCO (179/2)-Birsinghpur 400 kV D/C transmission line-First ckt; Asset V- Vandana (176/0)-Birsinghpur 400 kV D/C transmission line-Second ckt was allowed vide order dated 19.5.2014 for the 2009-14 period. The assets were scheduled to be commissioned on 1.8.2010, however, assets I, II, III, IV and V were commissioned on 1.10.2011, 1.12.2011, 1.12.2011, 1.3.2012 and 1.4.2012 respectively and thus, there was a time over-run of 14-20 months in commissioning of assets. The time over-run in case of Assets I, II and III was condoned, however, in case of Assets IV and V the time over-run was condoned only upto 1.12.2011 as Commission observed that there was no justification for the delay in commissioning of Asset IV and Asset V beyond 1.12.2011.



2. Learned counsel for PGCIL further submitted that PGCIL filed an appeal against the Commission's order dated 19.5.2014 before the Hon'ble APTEL. The APTEL vide its judgment dated 15.3.2017 in Appeal No. 127 of 2015 observed that PGCIL must be given a chance to tender complete facts and supporting documents in support of its claim for condonation of delay in case of Assets IV and V and thus, remanded the matter back to the Commission for passing appropriate order after its prudent check. Accordingly, the Commission directed the petitioner to submit all the information pertaining to justification for time over-run in case of Assets IV and V.

3. Learned Counsel for petitioner further submitted that the requisite information has been submitted vide affidavit dated 19.4.2017 and she further elaborated that the time over-run beyond December, 2011 was due to procedural delays in obtaining "tree felling order" as it involved continuous correspondence between the DFO and the field officials of Forest Department. The learned Counsel further submitted that the tree felling orders were progressively issued from 19.11.2011 to 30.12.2011 whereafter, the tree felling works was completed by February, 2012.

4. Learned Counsel for BALCO, Respondent No. 9 sought four weeks for filing its reply in the matter.

5. The Commission heard the petitioner and observed that PGCIL has not submitted the complete set of documents showing when the tree cutting permission was sought, how many demands were raised by the Forest Department and when was the amount deposited, when was the final permission given, when the actual tree cutting took place and when PGCIL was allowed to carry out the stringing work and therefore, directed the petitioner to submit the chronology of events after Stage II forest clearance, especially regarding tree felling alongwith the relevant documents with an advance copy to the respondents by 12.6.2017.

6. The Commission further directed the respondents to file their reply by 21.6.2017 and the petitioner to file rejoinder, if any, by 30.6.2017. The Commission also observed that no extension of time shall be granted.

7. Subject to the above, the order in the petition is reserved.

By order of the Commission

(T. Rout)  
Chief (Law)

