

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 55/RP/2016

in

Petition No. 173/TT/2013 & Petition No. 111/TT/2015

Subject : Review of the order dated 15.6.2016 in Petition No. 173/TT/2013 and 111/TT/2015.

Date of Hearing : 4.5.2017

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

Petitioner : NTPC Limited (NTPC)

Respondents : Essar Power Transmission Company Limited and 6 others

Parties present : Ms. Suparna Srivastava, Advocate, NTPC
Shri Parimal Piyush, NTPC
Shri Sitesh Mukherjee, Advocate, EPTCL
Shri Gautam Chawla, Advocate, EPTCL
Ms. Shruti Verma, EPTCL

Record of Proceedings

Learned counsel for NTPC, the review petitioner, submitted as follows:-

a. that the instant review petition has been filed for review of the order dated 15.6.2016 in Petition Nos. 173/TT/2013 and 111/TT/2015. The Commission in its order dated 15.6.2016 directed EPTCL and NTPC to jointly approach for approval of tariff of two 400 kV line bays at Gandhar (NTPC) switchyard and that after approval of the tariff, EPTCL is to recover the same through PoC and reimburse it to the NTPC.

b. The Commission omitted to consider the nature of the two bays. The two 400 kV line bays at Gandhar (NTPC) switchyard have been constructed by the NTPC in terms of a contractual arrangement agreed to at the request of EPTCL and monthly usage charges for the same is covered by the terms and conditions of Agreement dated 11.2.2010 entered into by the Review Petitioner with EPTCL.



c. EPTCL was requested to continue payment of the monthly charges for the usage of the assets as per the terms of the BPTA till the matter is decided. However, EPTCL is not paying the transmission charges since the passing of the order dated 15.6.2016 and the present outstanding amount for payment of charges for use of the subject bays stands at ₹3.83 cr. EPTCL should be directed to pay the transmission charges.

d. NTPC was not a party to the proceedings when transmission licence was issued to EPTCL. Referring to the reply filed by EPTCL, submitted that NTPC is not seeking revocation of the licence issued to EPTCL.

e. The two bays at Gandhar (NTPC) switchyard should be treated as per the commercial agreement between NTPC and EPTCL and it should not be treated as an ISTS and not included in the PoC charges.

2. The learned counsel for the EPTCL submitted as under:-

a. The non-payment of transmission tariff is only on account of direction of the Commission in the order dated 15.6.2016, wherein EPTCL was directed to recover and reimburse the tariff for NTPC bays only after the tariff is determined. The same has been clarified to NTPC through letters by EPTCL.

b. Pursuant to the transmission licence order, the Gandhar-Hazira line was subsequently developed by EPTCL, under which the Gandhar-Hazira line as well as the NTPC bays form part of the licensed asset. In the said order the Commission has clarified that it does not propose to treat the transmission system of EPTCL as a 'dedicated' transmission system' and hence the transmission system cannot be utilized for carrying power for any other purpose other than for which it is proposed to be constructed at present.

c. The transmission licence order clearly provides that the NTPC bays were included as the licensed transmission assets of EPTCL upon the advice of CTU, which was accepted by EPTCL.

d. The annual transmission charges through POC could be recovered by NTPC only after the Commission approved the tariff.

3. The Commission directed the review petitioner to give cost details of the instant assets, if not given, on affidavit by 31.5.2017, with an advance copy to the respondents.



4. Subject to the above, the Commission reserved the order in the petition.

By order of the Commission

Sd/-
(T. Rout)
Chief (Law)

