

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 38/RP/2016

in

Petition No. 33/TT/2013

Coram:

Shri Gireesh B. Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Dr. M. K. Iyer, Member

Date of Order : 17.10.2017

In the matter of

Review petition under Regulation 103 (1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of the order dated 15.12.2015 in Petition No. 33/TT/2013 alongwith IA No. 37/IA/2016 in the matter of determination of transmission tariff for six assets under Sasan UMPP TS (Group 1) in Northern Region.

And in the matter of

Power Grid Corporation of India Ltd. ,,
SAUDAMINI", Plot No-2, Sector-29,
Gurgaon -122 001 (Haryana).

.....Review Petitioner

Vs

1. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171 004
2. Punjab State Power Corporation Limited,
Thermal Shed Tia, Near 22 Phatak,
Patiala-147 001
3. Haryana Power Purchase Centre,
IInd Floor, Shakti Bhawan,
Sector-6, Panchkula-134 109
4. Power Development Department,
Janipura Grid Station,
Jammu (Tawi)-180 007



5. Uttar Pradesh Power Corporation Limited,
10th Floor, Shakti Bhawan Extension,
14, Ashok Marg, Lucknow-226 001
6. Delhi Transco Limited,
Shakti Sadan, Kotla Road (Near ITO),
New Delhi-110002
7. Chandigarh Administration,
Sector-9, Chandigarh-160017
8. Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road,
Dehradun-248001
9. Rajasthan Power Procurement Centre,
Vidyut Bhawan, Janpath,
Jaipur- 302 021
10. Ajmer Vidyut Vitran Nigam Limited,
400 kV GSS Building,
Ajmer Road, Heerapura,
Jaipur-302026
11. Jodhpur Vidyut Vitran Nigam Limited,
400 kV GSS Building, Ajmer Road,
Heerapura, Jaipur-302026
12. Jaipur Vidyut Vitran Nigam Limited,
400 kV GSS Building,
Ajmer Road, Heerapura,
Jaipur-302026
13. North Central Railway,
Allahabad-211011
14. BSES Yamuna Power Limited,
Shakti Kiran Building,
Karkardooma,
15. BSES Rajdhani Power Ltd.
BSES Bhawan, Nehru Place
New Delhi-110019
16. Tata Power Delhi Distribution Limited,
33 kV Sub-station Building,
Hudson Lane, Kingsway Camp,
New Delhi-110009



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

...Respondents

Parties present:

For Petitioner:

Shri Sitesh Mukherjee, Advocate for PGCIL
Ms. Akansha Tyagi, Advocate for PGCIL
Shri Rakesh Prasad, PGCIL
Shri S.S. Raju, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri M.M. Mondal, PGCIL
Shri R.P. Padhe, PGCIL

For Respondents: None

ORDER

This petition has been filed by Power Grid Corporation of India Limited (“the Review Petitioner”) for review of the order dated 15.12.2015 in Petition No.33/TT/2013 under Regulation 103(1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999.

Brief of the case

2. Transmission tariff was allowed for Asset I: 765 kV S/C Sasaram-Fatehpur Line-II; Asset II: 765 kV S/C Fatehpur Agra Line-II; Asset III: One no. 765 kV Line bay for 765 kV S/C Sasaram Fatehpur at Fatehpur; Asset IV: One no. 765 kV Line bay for 765 kV Fatehpur-Agra Line-II at Agra; Asset V: One no. 765 kV Line bay for 765 kV S/C Fatehpur-Agra Line-II at Fatehpur; and Asset VI: 240 MVAR Bus Reactor at Agra under Sasan UMPP TS (Group 1) in Northern Region (hereinafter referred to as the “transmission scheme”) for 2014-19 tariff block vide order dated 15.12.2015 in Petition No.33/TT/2013.



3. The said transmission assets were scheduled to be put into commercial operation on 1.1.2013. The Review Petitioner had submitted in the main petition that Assets III, IV and V achieved COD on 1.11.2012, 1.2.2013 and 1.11.2012 respectively ahead of the associated transmission lines and accordingly sought approval of the COD of the assets from the said dates. However, the Commission did not approve the COD of Assets III, IV and V as claimed by the Review Petitioner, as the line bays could not be put into commercial operation without the COD of the associated transmission line. The relevant extract of the impugned order is extracted hereunder:-

"26. In this case, the petitioner has claimed commissioning of the bays prior to commissioning of associated line namely 765 kV Sasaram-Fatehpur and Fatehpur Agra line. The petitioner has not submitted any reason and justification how line bay could achieve COD without completion of line. Hence, we are not inclined to approve COD of two bays at Fatehpur (i.e. Asset No.-III and V) and one bay at Agra (i.e. Asset-IV). The 765 kV line bay at Fatehpur (i.e. Asset-III) for 765 kV S/C Sasaram-Fatehpur line-II is claimed to have been commissioned on 1.11.2012, while the line has been commissioned on 1.6.2013. The line bays should achieve COD alongwith associated transmission line. The COD of line bay and line should be the same. Therefore, COD of line bay will be considered to be 1.6.2013. Similarly, the 765 kV line bays at Agra (i.e Asset-IV) and Fatehpur (i.e. As set-V) for 765 kV S/C Fatehpur-Agra line-II were commissioned on 1.2.2013 and 1.11.2012 respectively. Hence, COD of line bay at Agra and Fatehpur is considered to be the COD of line i.e. 1.11.2013. Since the time over-run in case of Asset-II (i.e. 765 kV S/C Fatehpur-Agra) has been condoned, the time over-run in commissioning of associated assets, namely Asset IV and V is also condoned. Similarly, Asset-III is associated with Asset-I (i.e. Sasaram-Fatehpur line), the time over-run in commissioning of Asset-I also been condoned. Therefore, the delay in commissioning of Asset-III is also condoned....".

4. The details of COD claimed by the Review Petitioner and the COD approved in the impugned order are as under:-

Sr. No.	Asset	Scheduled COD	COD (As claimed)	COD (As approved)
1	Asset- III : One no. 765 kV Line bay for 765 kV S/C Sasaram Fatehpur at Fatehpur	1.1.2013	1.11.2012	1.6.2013



Sr. No.	Asset	Scheduled COD	COD (As claimed)	COD (As approved)
2.	Asset- IV : One no. 765 kV Line bay for 765 kV S/C Fatehpur - Agra Line-II at Agra		1.2.2013	1.11.2013
3.	Asset- V : One no. 765 kV Line bay for 765 kV S/C Fatehpur-Agra Line-II at Fatehpur		1.11.2012	1.11.2013

5. Aggrieved by the impugned order, the Review Petitioner has filed the instant review petition seeking modification of the COD of Assets-III, IV and V approved in the order dated 15.12.2015. The Review Petitioner has submitted that the Commission inadvertently omitted to consider the reasons given in the main petition while passing the impugned order which would have led to a different finding and therefore, non-consideration of the reasons constitutes an error apparent on the face of record and is valid ground for review of the impugned order. The Review Petitioner has prayed to modify the order dated 15.12.2015 and approve the COD of Assets III, IV and V as 1.11.2012, 1.2.2013 and 1.11.2012 respectively and pass appropriate consequential orders.

6. The Review Petitioner also filed an Interlocutory Application No.37/IA/2016 seeking condonation of delay of 163 days in filing the review petition. The delay in filing the review petition was condoned as a special case and the Interlocutory Application was disposed and the review petition was admitted on 18.10.2016 and the respondents were directed to submit the reply. However, none of the respondents have filed their reply.

Grounds for Review

7. As regards commissioning of Assets III and V, i.e. the line bays and 2X330 MVAR reactors of Fatehpur-Agra-Sasaram Circuit II as bus reactor at Fatehpur



Sub-station, the Review Petitioner has submitted that after the commissioning of Fatehpur Sub-Station, the voltage level at Fatehpur went up considerably because of the 480 km length of 765 kV Fatehpur-Gaya line via Sasaram. The Review Petitioner has submitted that it caused excessive capacitive reactive power generation leading to excessive over-voltage at Fatehpur. As the 125 MVAR reactor at Allahabad was not commissioned and winter was fast approaching, it was decided to provide reactive power support at Fatehpur by utilising 125 MVAR reactor so that the system can be run without any trouble. As Fatehpur is an important sub-station which connects eastern part of grid i.e. generation side with western part, it was decided to contain the high voltage at Fatehpur since high voltage and tripping of the lines at Fatehpur, may result in partial grid disturbance. The Review Petitioner has submitted that there were 2 nos. 765 kV Fatehpur-Sasaram Ckt-II and Fatehpur-Agra Ckt-II which were yet to be put into commercial operation. However, to provide the reactive power support at Fatehpur, it was decided to take up the work of commissioning of bay for aforesaid lines and commission the reactors of said lines, so that these reactors can be used as Bus Reactor to provide reactive power support during upcoming winter weather. After the COD of 2 nos. of 330 MVAR Bus Reactor at Fatehpur, the voltage in that area remained well within limits, except on one or two incidents when the Fatehpur-Mainpuri 400 kV Ckt-I was opened to contain the over-voltage. Further, with the COD of 2 x 330 MVAR line reactors as Bus Reactor, the grid could run trouble-free during the adverse winter season in 2012.

8. As regards the COD of Asset IV, i.e. the line bays and 240 MVAR reactors at Agra Sub-station, the Review Petitioner has submitted that Agra is very important



station of Northern Grid as it connects Western Region with Northern Region through 400 kV D/C Agra-Gwalior line and in addition it is connected with Bassi, Bhiwadi, Jaipur(S), Ballabgarh, Kanpur, Agra (UP), Auraiya (NTPC). The Review Petitioner has submitted that Agra being a high voltage area, trippings of lines on over-voltage takes place quite frequently. During winter season, important lines like 400 kV Agra-Bhiwadi, 400 kV Agra-Bassi, 400 kV Agra-Ballabgarh, 400 kV Agra-Jaipur (S) and 765 kV Agra-Fatehpur Ckt-I, were kept open on voltage regulation to contain the voltage at Agra Sub-station. The availability of these lines was important to maintain a high reliability of the transmission system. Taking into account the adverse winter conditions in Northern Region and to avoid the tripping of lines due to over-voltage, it was decided to provide reactive power support at Agra before the onset of winter. Accordingly, it was decided to put under commercial operation the 240 MVAR Bus Reactor at Agra before the onset of winter to contain over-voltage at Agra. Therefore, the 240 MVAR Bus-Reactor at Agra was declared under commercial operation on 1.12.2012 for the benefit of regional grid.

9. The Review Petitioner has submitted that Assets III and V were charged along with 330 MVAR Non-Switchable line reactor used as Bus Reactor to control the high voltage problem at Fatehpur Sub-station on 1.11.2012 and has submitted the voltage data at Fatehpur Sub-station from June 2012 to March 2013 covering the commissioning period of the reactors and bays. As per the data submitted by the Review Petitioner, the maximum voltage was in the range of 424 kV to 432 kV and to the extent of 57% in September, 2012, the voltage was more than threshold value of 420 kV. The voltage at 400 kV side of Fatehpur Sub-station was



continuously high and it necessitated COD of the reactors at Fatehpur Sub-station to control the over-voltage conditions. The COD of Assets III and V at Fatehpur Sub-station has significantly improved the voltage profile.

10. The Review Petitioner has further submitted that during light load conditions, voltage at 400 kV side of Agra Sub-station used to cross maximum voltage limit (i.e. 420 kV as provided under the Indian Electricity Grid Code) which requires opening of connected lines to control the voltage thus reducing threat to reliability and stability of grid. As per the data submitted by the Review Petitioner, the maximum voltage was in the range of 422 kV to 430 kV and to the extent of 36% in April, 2013, the voltage was more than threshold value of 420 kV. The voltage at 400 kV side of Agra Sub-station is continuously high even after commissioning of Asset IV at Agra Sub-station. The Review Petitioner has submitted that if Asset IV was not installed, the voltage at Agra Sub-station would have been even higher and commissioning of Asset IV at Agra Sub-station was essential to control the voltage.

11. The Review Petitioner has submitted the operational feedback report of POSOCO in support of the claim. The Review Petitioner has submitted that POSOCO has analysed the data regarding opening of various transmission lines due to high voltage in the grid. On the basis of the analysis, POSOCO vide letter dated 20.11.2012 requested to use all line reactor as bus reactor to avoid the over voltages in the grid to maintain the grid stability and security. The Review Petitioner has submitted that POSOCO in its Operational Feedback on Transmission Constraints for the month of October to December 2012, further suggested Central Electricity Authority (CEA) and CTU to make compulsory



provisions so that all line reactors could be used as bus reactors after switching off the line during low loading and high voltage conditions. The Review Petitioner has further submitted that as per POSOCO's Operational Feedback on Transmission Constraint for the month of July 2013, many transmission lines in Northern Region were opened due to high voltage condition which was affecting the reliability and security of the grid.

Analysis and Decision

12. We have considered the submissions made by the Review Petitioner and the documents available on record. The main ground for review is that the material placed on record by the Review Petitioner in the main petition was not considered while passing the impugned order and this is an error apparent on the face of record. The Review Petitioner had submitted in the main petition that to provide the reactive power support, the line bays at Fatehpur and Agra Sub-stations was put into commercial operation.

13. 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, namely (a) on discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced at the time when the decree was passed or order made, or (b) on account of some mistake or error apparent on the face of the record, or (c) for any other sufficient reasons, but not otherwise. We shall now



consider whether impugned order suffers from any ground of review under Order 47 Rule 1 of the CPC.

14. The Review Petitioner sought approval of COD of Assets III, IV and V as 1.11.2012, 1.2.2013 and 1.11.2012 in the main petition for the purpose of determination of transmission tariff, as they have been put into commercial operation prior to COD of associated transmission lines namely 765 kV Sasaram-Fatehpur and Fatehpur-Agra line for using the line reactor as bus reactor to control the voltage problems. The Review Petitioner's submissions including the justification for early COD of the bays at Agra and Fatehpur were considered and the Review Petitioner's prayer for approval for COD before the COD of the associated lines was not allowed as the Review Petitioner did not submit any material in support as to how the line bays could achieve COD without completion of line. Thus, the Review Petitioner's contention that the information placed on record was not considered by the Commission is not correct and there is no apparent error in order dated 15.12.2015 and accordingly it is rejected.

15. The Review Petitioner has now contended in the review petition that the need for putting into commercial operation of line reactor as bus reactor was considered by the Review Petitioner due to non-commissioning of 125 MVAR reactors at Allahabad and Manpuri Sub-stations to control over-voltage in that area as decided in NRPC meeting. The Review Petitioner has submitted that after the commissioning of Fatehpur Sub-station, the voltage level at Fatehpur went up considerably due to 765 kV Fatehpur-Gaya via Sasaram Line which was around 480 km. The length of the line led to excessive capacitive reactive power generation resulting in excessive over-voltage at Fatehpur. The Review Petitioner



has submitted that as the 125 MVAR reactor at Allahabad was not commissioned and winter was fast approaching, it was found imperative to provide reactive power support at Fatehpur so that the system can be run without any trouble. These reasons alongwith material documents in support were not adduced by the Review Petitioner in the main petition. However, even in the review petition, the Review Petitioner has not demonstrated any direct correlation between reactors at Fatehpur and Allahabad and how inadequate reactive compensation at Allahabad can be compensated by installing reactor at Fatehpur in the absence of such direct connection. Therefore, we are unable to agree with the contention of the Review Petitioner.

16. The early COD of the bays along with line reactor has a major commercial implication for the beneficiaries. The petitioner should have discussed the matter in the Regional Power Committee and taken the beneficiaries into confidence. In the instant case, it was decided in the NRPC meeting to install additional reactor at Allahabad Sub-station. The Review Petitioner while deciding to commission the reactors at Fatehpur and Agra Sub-stations early to bridge the gap of non-commissioning of reactor at Allahabad Sub-station, which is in deviation from the decision taken in the NRPC, should have discussed the deviation and obtained the approval of NRPC.

17. In a similar case, the Commission in its order dated 29.6.2016 in Review Petition No.14/RP/2015 held that change in the use of reactor from line reactor to bus reactor amounts to change of scope and would require the approval of the concerned RPC. The relevant portion of the said order is extracted hereunder:-



“.....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. We are of the view that the paramount consideration for approval of COD of particular transmission asset is whether it can be put to use in the interest of the beneficiaries. If the Review Petitioner felt that the line bays at Fatehpur and Agra Sub-station would be in the interest of voltage stability and therefore in the interest of the beneficiaries, the Review Petitioner should have raised the issue at NRPC for its consideration and approval. The Review Petitioner has not produced any documents to show that the early COD of the reactors at Fatehpur and Agra Sub-stations was ever discussed and agreed in the NRPC. We are not inclined to approve the early commissioning of the reactors without the approval of the beneficiaries and the RPC.

19. The Review Petitioner has contended that as per the operational feedback report of POSOCO for the month of January, 2013, all reactors could be used as bus reactor after switching off the line during the low loading and high voltage conditions as per NRLDC's letter dated 20.11.2012. We have perused the said letter and it is observed that the letter deals with situations where the line is being shutdown due to low load conditions. The letter further suggested to make suitable provision for using line reactor as bus reactor so that service of reactors can be availed by the system operator as and when required. This letter does not expressly provide for early COD of the line reactor under construction but it deals with use of line reactor as bus reactor in the event of shutdown of that line due to low load conditions. The POSOCO feedback suggests that CEA and CTU should



make compulsory provision so that all line reactors can be used as bus reactor after switching the line during low load and high voltage conditions. There is nothing on record to show that CEA and CTU have laid down any guidelines for use of the line reactor as bus reactor. Therefore, we are not inclined to accept the POSOCO's operation feedback as the authority for the decision of the Review Petitioner to use the line reactors at Fatehpur and Agra as bus reactors.

20. The Review Petitioner submitted in the main petition that the 330 MVAR Non-Switchable line reactors were used as bus reactor to control the high voltage problem at Fatehpur and Agra Sub-stations. However, the Review Petitioner did not submit the voltage profile of the said sub-stations in the main petition in support of its claim. The Review Petitioner has submitted the voltage profile at Fatehpur and Agra Sub-stations in the instant review petition. In similar case, the Commission in its order dated 29.6.2016 in Review Petition No. 14/RP/2015 held that voltage profile submitted at the time of review cannot be considered. The relevant part of the order is extracted hereunder:-

“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”

21. We are of the view that the Review Petitioner should have submitted the voltage profile in Fatehpur and Agra Sub-stations in the main petition itself. It is the responsibility of the Review Petitioner to submit all the relevant information at the time of filing the information. 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. In the instant case, the details of the voltage profile were in the possession of the Review Petitioner. However, the same was not produced by the Review Petitioner in the main petition even though the said information had a bearing on the declaration of the date of commercial operation. The Review Petitioner has submitted the details of voltage profile in Fatehpur and Agra Sub-stations at the stage of review as an afterthought as the COD claimed by the Review Petitioner was not approved and have the said details cannot be ground for review of the COD of the assets approved by the Commission.

22. In view of the above discussion, no case for review of the impugned order has been made out by the Review Petitioner. Accordingly, the review petition is dismissed.

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

sd/-
(A. S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

