

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 5/RP/2017
alongwith I.A. No.10/2017**

Coram:

**Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member**

Date of Order : 19.04.2017

In the matter of:

Review petition under Section 94(1) (f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 for review of the Order dated 30.07.2016 in Petition no. 68/TT/2016.

And in the matter of:

LANCO Teeta Hydro Power Limited (LTHPL)
Plot No. 397, 2nd floor, Udyog Vihar,
Phase-III, Gurgaon, Haryana-122016.

.....**Review Petitioner**

Vs

1. Power Grid Corporation of India
"Saudamini", Plot No.2,
Sector-29, Gurgaon -122 001
2. Gati Infrastructure Chuzachen Limited
1-7-293, MG Road, 268,
Udyog Vihar, Phase-IV, Secunderabad,
Andhra Pradesh- 500003
3. Gati Infrastructure Bhasmay Power Limited
1-7-293, MG Road, 268,
Udyog Vihar, Phase-IV, Secunderabad,
Andhra Pradesh - 500003
4. PTC INDIA Limited
2nd Floor, NBCC Tower 15,
Bhikaji Cama Palace, New Delhi



5. DANS Energy Private Limited
5th Floor, DLF Building No. 8,
Tower C, DLF Cyber City Phase- II
Gurgaon, Haryana- 122002
6. JAL Power Corporation Limited
405-406, Raja House, 30-31,
Nehru Place, New Delhi- 110019
7. Madhya Bharat Power Corporation Limited
NH-31-A, Golitar, Singtam,
Gangtok -737134, Sikkim
8. Bihar State Power (Holding) Company Limited
(formerly Bihar State Electricity Board -BSEB)
Vidyut Bhavan, Bailey Road,
Patna – 800001
9. West Bengal State Electricity Distribution Company
Bidyut Bhawan, Bidhan Nagar Block DJ,
Sector-II, Salt Lake City
Calcutta - 700091
10. Grid Corporation of Orissa Limited
Shahid Nagar,
Bhubaneswar - 751007
11. Damodar Valley Corporation DVC Tower
Maniktala Civic Centre, VIP Road,
Calcutta - 700054
12. Power department Government of Sikkim
Gangtok - 737 101
13. Jharkhand State Electricity Board
In Front of Main Secretariat Doranda,
Ranchi – 834002

...Respondents

For petitioner : Ms. Mazag Andrabi, Advocate, LTHPL
Shri Amit Ojha, Advocate, LTHPL
Shri Jitender Singh, Advocate, LTHPL
Shri Shashwat Agarwal, LTHPL



For respondents : None

Interim Order

The instant review petition has been filed by LANCO Teesta Hydro Power Limited under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, seeking review of the order dated 29.7.2016 in Petition No. 68/TT/2016, wherein the tariff for 2014-19 period was determined for Assets 4 nos. under Transmission System for "Transfer of power from Generation Projects in Sikkim to NR/WR Part B" in Eastern Region. Further, LANCO has also filed an Interlocutory Application No. 10/IA/2017 for condoning the delay of 24 days in filing the instant review petition.

2. LANCO has submitted that the Commission vide order dated 29.7.2016 has held that LANCO is liable to pay the transmission charges for the instant assets without examining the fact whether the identified transmission system, as agreed by LANCO and PGCIL, was in existence and in use. LANCO has further submitted that the issues raised by LANCO in its reply in Petition 68/TT/2016 were rejected without giving any reason. The rejoinder filed by PGCIL to its reply was not provided to LANCO and it was taken on record without being subjected to scrutiny by LANCO against the principles of natural justice. These are apparent errors and they need to be corrected.

3. LANCO has also filed I.A. No.10/IA/2017 seeking condonation of delay of 24 days in filing the review petition. LANCO has submitted that the time taken by its technical team to evaluate the impugned order and provide inputs on the financial implications, the time



taken by it for coordinating with the Registry of the Commission to find out if any relaxation for payment of fee and non-availability of the authorized signatory of LANCO led to delay in filing of the review petition. The delay in filing the review is beyond the control of LANCO and it is unintentional and requested to condone the delay and to admit the review petition.

4. During the hearing on 13.4.2017, the representative of LANCO reiterated the submissions made in the review petition and requested to admit the review and issue notice to the respondents.

5. We have considered the submissions of LANCO. None of the reasons given by LANCO for delay in filing the review petition justifies its prayer for condonation of delay in filing the review petition. We are of the view that the LANCO should have filed the review petition within the timeline specified in the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999. Considering the fact that the period of delay is only 24 days, we condone the delay in filing of the instant review petition as a special case which shall not be quoted as a precedent. I.A. No.10/IA/2017 is disposed of accordingly.

6. The Review Petition is admitted. Issue notice to the respondents. LANCO is directed to serve a copy of the petition on the beneficiaries by 28.4.2017 and the parties are directed complete the pleadings by 22.5.2017.

7. The review petition shall be listed for final hearing on 23.5.2017.

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

sd/-
(A.S. Bakshi)
Member

