

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 9/RP/2017 alongwith I.A. No.15/IA/2017

Coram:

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

Date of Order : 19.05.2017

In the matter of:

Review petition under Section 94(1)(f) of the Electricity Act, 2003 read with Regulation 103 of Central Electricity Regulatory Commission (Conduct of business) Regulations, 1999 seeking review of the order dated 19.12.2016 in Petition No. 312/TT/2014

And in the matter of:

Parbati Koldam Transmission Company Limited,
5th Floor, JMD Galleria, Sector-48,
Sohna Road, Gurgaon-122018, Haryana

.....**Petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited,
Vidyut Bhawan, Vidyut Marg,
Jaipur-302 005
2. Ajmer Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur
3. Jaipur Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor)
Ajmer Road, Heerapura, Jaipur
4. Jodhpur Vidyut Vitran Nigam Limited,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur
5. Himachal Pradesh State Electricity Board,
Vidyut Bhawan, Kumar House Complex Building II,
Shimla-171 004 (HP)



6. Punjab State Power Corporation Limited,
Thermal Shed Tia, Near 22 Phatak, Patiala-147 001
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6, IInd Floor,
Panchkula (Haryana)-134 109
8. Power Development Department,
Government of Jammu and Kashmir,
Mini Secretariat, Jammu
9. Uttar Pradesh Power Corporation Limited,
(Formerly Uttar Pradesh State Electricity Board),
10th Floor, Shakti Bhawan Extn-14, Ashok Marg,
Lucknow-226 001
10. Delhi Transco Limited,
Shakti Sadan, Kotla Road (Near ITO),
New Delhi-110 002
11. BSES Yamuna Power Limited,
BSES Bhawan, Building No.-20,
Nehru Place, New Delhi
12. BSES Rajdhani Power Limited,
BSES Bhawan, Building No.-20,
Nehru Place, New Delhi
13. Tata Power Delhi Distribution Limited,
Power Trading & Load Dispatch Group,
Cennet Building, Adjacent to 66/11kV
Pitampura-3 Grid Building, Near PP Jewellers,
Pitampura, New Delhi-110 034
14. Chandigarh Administration,
Sector-9, Chandigarh
15. Uttarakhand Power Corporation Limited,
Urja Bhawan, Kanwali Road, Dehradun
16. Northern Central Railway,
Allahabad
17. New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110 002



18. Northern Region Electricity Board,
18-A, Shaheed Jeet Singh Marg,
Katwaria Sarai,
New Delhi – 110016
19. Power Grid Corporation of India Limited,
Saudamini,
Plot No.2, Sector-29
Gurgaon-122001 (Haryana)
20. NTPC Limited,
Scope Complex Institutional Area,
Lodhi Road, Pragati Vihar,
New Delhi-110 016

.....Respondents

For Petitioner: Shri Vishal Anand, Advocate, PKTCL
Ms. Aparjita Upadhyaya, Advocate, PKTCL
Shri Lokendra Singh, PKTCL

For Respondents: Shri M.G. Ramachandran, Advocate, NTPC
Ms. Poorva Saigal, Advocate, NTPC

ORDER

The instant review petition has been filed by Parbati Koldam Transmission Company Limited under Section 94(1)(f) of the Electricity Act, 2003 (the Act) seeking review of the order dated 19.12.2016 in Petition No. 312/TT/2014. Transmission tariff was allowed for Asset-I: Ckt. I of 400 kV Double Circuit Koldam-Ludhiana Transmission Line (Triple Snowbird Conductor) and Asset-II: Ckt.-II of 400 kV Double Circuit Koldam-Ludhiana Transmission Line (Triple Snowbird Conductor) in Northern Region for 2009-14 period in order dated 19.12.2016 in Petition No. 312/TT/2014.

2. The Review Petitioner has sought review of order dated 19.12.2016 in Petition No.312/TT/2014 on the following grounds:-



a) In the impugned order, the cut-off date of the instant asset has been declared as 31.3.2017, whereas the cut-off date as per Regulation 3(13) of the 2014 Tariff Regulations should be 31.3.2018, as the date of commercial operation of the instant assets was declared as 31.3.2015 in the impugned order.

b) The Review Petitioner has submitted that it sought approval of date of commercial operation of Assets I and II as 7.8.2014 and 14.8.2014 respectively after idle charging from one end, because of non-readiness of associated bays of Koldam Switchyard of NTPC, under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations, in the main petition. The Review Petitioner has submitted that the Commission approved the COD as prayed and allowed only IDC and IEDC from August, 2014 to 30.3.2015, to be borne by NTPC, and thereafter to be included in the PoC charges. The Review Petitioner has submitted it has been deprived of receiving the other components of transmission charges like Return on Equity (RoE), depreciation and Interest on Working Capital (IWC). The Review Petitioner has submitted that in similar cases, the Commission had allowed full transmission charges for the transmission assets. Not allowing the full transmission charges for the period from August, 2014 to 30.3.2015 has put the Review Petitioner in financial difficulties and it is not able to meet the financial obligations.

c) In para no.24 of the impugned order, the amount of interest was wrongly recorded as ₹7.47 lakh for 2014-15 instead of ₹132.06 lakh. In the footnote



in para 37, it should be “PKTCL” and not “PGCIL” and in para no. 54, it should be “Total Time: 93 months 15 Days” and not “Total Delay: 93 months 15 Days”.

3. The review petitioner has also filed an Interlocutory Application No.15/IA/2017 seeking directions to CTU for not recovering any amount on account of provisional tariff received by the Review Petition for the period from claimed COD (August, 2014) to tariff COD (31.3.2015) till disposal of the present proceedings. We are of the view that no direction on the IA can be issued without hearing the parties.

4. We direct issue of notice on the admissibility of the Review Petition as well as on IA.

5. The Review Petitioner is directed to serve a copy of the petition and IA on the respondents by 26.5.2017 and respondents to file their reply by 16.6.2017 on admissibility as well as on merit and the petitioner to file rejoinder, if any, by 5.7.2017. No extension of time shall be granted.

6. The review petition shall be listed on 11.7.2017 for final hearing alongwith all the related review petitions.

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

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

