

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 4/RP/2017

**In
Petition No. 156/TT/2015**

Coram:

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

Date of Order : 26.05.2017

In the matter of:

Review petition under Section 94(1)(f) of the Electricity Act, 2003 and Regulation 103 of Central Electricity Regulatory Commission (Conduct of business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014, seeking review of the order dated 29.12.2016 in Petition No. 156/TT/2015.

And in the matter of:

Parbati Koldam Transmission Company Limited,
B-9, Qutab Institutional Area, Katwaria Sarai,
New Delhi 110 016

.....**Petitioner**

Vs

1. Rajasthan Rajya Vidyut Prasaran Nigam Ltd.,
Vidyut Bhawan, Vidyut Marg, Jaipur- 302 005.
2. Ajmer Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur.
3. Jaipur Vidyut Vitran Nigam Ltd.,
400 kV GSS Building (Ground Floor),
Ajmer Road, Heerapura, Jaipur.
4. Jodhpur Vidyut Vitran Nigam Ltd.,
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
6. Punjab State Power Corporation Limited,
Thermal Shed Tia, Near 22 Phatak,
Patiala-147 001.
7. Haryana Power Purchase Centre,
Shakti Bhawan, Sector-6,
Panchkula (Haryana)-134 109
8. Power Development Department,
Govt. of Jammu and Kashmir,
Mini Secretariat, Jammu.
9. Uttar Pradesh Power Corporation Ltd.,
Shakti Bhawan, 14, Ashok Marg,
Lucknow-226 001.
10. Delhi Transco Ltd.,
Shakti Sadan, Kotla Road,
New Delhi-110 002.
11. BSES Yamuna Power Ltd.,
Shakti Kiran Building,
Karkardooma, Delhi-110 092.
12. BSES Rajdhani Power Ltd.,
BSES Bhawan,
Nehru Place, New Delhi.
13. Tata Power Delhi Distribution Limited,
Cennet Building, Adjacent to 66/11kV
Pitampura-3Grid Building, Near PP Jewellers,
Pitampura, New Delhi-110 034
14. Chandigarh Administration,
Sector-9, Chandigarh.
15. Uttarakhand Power Corporation Ltd.,
Urja Bhawan, Kanwali Road, Dehradun.
16. North 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 -122 001.
20. National Hydro Power Corporation Limited,
NHPC Office Complex, Sector-33, Faridabad,
Haryana-121 003
21. Himachal Pradesh Power Corporation Limited,
Sainj (HEP), Himfed Bhawan,
Below Old MLA Quarters Bypass Road,
Tutikandi, Shimla- 171005

.....Respondents

For Petitioner: Shri Amit Kapur, Advocate, PKTCL
Shri Lokendra Singh, PKTCL

For Respondents: Shri S. S. Raju, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri R. Prasad, PGCIL
Shri Jasbir Singh, PGCIL
Shri Jitendra Kumar Jha, NHPC Ltd.

ORDER

Parbati Koldam Transmission Company Limited (hereinafter referred to "PKTCL") has filed the instant review petition under Section 94(1)(f) of the Electricity Act, 2003 (the Act) seeking review of the order dated 29.12.2016 in Petition No. 156/TT/2015, wherein the tariff was allowed for **Asset-1: 400 kV** (Quad) 2xS/C Parbati Koldam transmission line portion starting from Parbati-II HEP to LILO point of Parbati(Banala) Pooling Station to Koldam HEP (Ckt.-I) and **Asset-2: Portion starting from Parbati-II HEP LILO point of Parbati-III HEP (Ckt.-**



II) in Northern Region for 2014-19 period under Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

2. Review Petitioner has filed the review petition on the following grounds:-

(i) The Commission has restricted the admissible IEDC claimed by the review petitioner to 5% of the Hard Cost instead of 11.77% of the Hard Cost submitted as per Revised Cost Estimate (RCE).

(ii) The Review Petitioner claimed the COD of Ckt. I and Ckt. II of Parbati Koldam Transmission Line as 30.6.2015. However, the Commission approved the COD of the assets as 3.11.2015 as the assets were put to use only on 3.11.2015 and allowed the tariff to be included in the PoC charges from 3.11.2015. The Commission further imposed the liability of IDC and IEDC on NHPC for the period starting from 30.6.2015 till 2.11.2015 as the delay in commissioning of the instant assets was attributed to NHPC. This deprived the Review Petitioner from receiving other components of the transmission charges viz. Return on Equity, Depreciation and Interest on Working Capital for the aforesaid period. Thus, the impugned order permits the Review Petitioner to recover only about ₹2.50 cr. against full transmission charges of about ₹5.56 cr. for the aforesaid period. However, the Commission had in the past, allowed the recovery of full transmission charges under similar situations. Not allowing the full transmission charges for the period from 30.6.2015 to 2.11.2015 has put the Review Petitioner in financial difficulties and it is not able to meet the financial obligations. As



such, it was requested to allow full transmission charges from 30.6.2015 onwards for the instant assets.

(ii) In the table given at para 15 of the impugned order, Interest on Working capital claimed by the review petitioner for 2014-15 was recorded as ₹19.70 lakh instead of ₹14.81 lakh.

3. The Review Petitioner has also prayed that as the period beyond 2.11.2015 is undisputed, the review petitioner should be allowed to recover the transmission charges under the Sharing of inter-State Transmission Charges and Losses Regulations, 2010, for the period starting from 3.11.2015 while the instant review petition is heard by the Commission.

4. NHPC in its reply, dated 15.3.2017, has prayed to dismiss the review petition as all the grounds raised in the review are grounds of appeal and all these facts were present before the Commission at the time of passing of impugned order and as such the same cannot be raised now under the garb of review petition.

5. We direct issue of notice on the admissibility of the Review Petition.

6. The Review Petitioner is directed to serve a copy of the petition on the respondents by 29.5.2017 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.



7. The review petition shall be listed on 11.7.2015 for final hearing.

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

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

