

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 15/RP/2017 in Petition No. 156/TT/2015

Subject : **Review Petition No. 15/RP/2017 seeking review of order dated 29.12.2016 in Petition No. 156/TT/2015.**

Date of Hearing : 20.9.2018

Coram : Shri P.K. Pujari, Chairperson
Dr. M. K. Iyer, Member

Petitioner : NHPC Limited

Respondents : Parbati Koldam Transmission Company Limited and Ors.

Parties present : Shri Amit Kapur, Advocate, PKTCL
Ms. Abiha Zaidi, Advocate, PKTCL
Ms. Aparajita Upadhyay, Advocate, PKTCL
Shri Azad Akbar, PKTCL
Shri Rakesh Prasad, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri Jyoti Prasad, PGCIL
Shri S. S. Raju, PGCIL
Shri B. Dash, PGCIL
Shri R.B. Sharma, Advocate, BRPL & BYPL
Shri Mohit Mudgal, Advocate, BRPL & BYPL
Shri Sachin Datta, Sr. Advocate, NHPC
Shri Piyush Kumar, Advocate, NHPC
Shri Rajiv Shankar Dvivedi, Advocate, NHPC
Shri S.K. Sarkar, Advocate, NHPC
Shri Jitender Kumar, Advocate, NHPC
Shri A.K. Pandey, NHPC

Record of Proceedings

The Commission reserved order in the instant petition on 3.7.2018. The matter is taken up for hearing pursuant to the directions of Hon'ble Appellate Tribunal for Electricity (APTEL) judgment dated 16.7.2018 in Appeal Nos. 281 of 2016 and 81 of 2017 vide which the Commission was directed to consider the matter afresh.

2. Learned senior counsel for NHPC submitted that NHPC should not be made liable for payment of IDC and IEDC as Parbati-III Power Station is under commercial operation w.e.f. 24.3.2014. Both 400 kV line bays were ready for charging but only one



line bay could be charged and the other one could not be charged because of non-availability of linking LILO by PGCIL and connecting transmission line of PKTCL. PKTCL vide its letter dated 2.7.2015 informed Parbati-III Power Station about charging of the transmission line but the same could not be charged due to requirement of re-testing of 2nd bay of Parbati-III Power Station. This fact was intimated to PKTCL by Parbati-III Power Station vide e-mail dated 2.7.2015. NHPC during discussions with the concerned officers of PKTCL and PGCIL repeatedly informed for early commissioning of the line and also issued letter dated 18.8.2015 in response to PGCIL's reply dated 30.1.2016.

3. Learned counsel for the PKTCL has made the following submissions:-

- (a) APTEL's judgment dated 16.7.2018 relates to the inter-se disputes between NHPC and PGCIL and the said judgment has no applicability to the case of PKTCL.
- (b) APTEL did not decide the principle of payment of full transmission charges in the said judgment and directed the Commission to take a uniform view regarding liability due to time over-run.
- (c) PKTCL filed Review Petition No. 4/RP/2017 seeking review of order dated 29.12.2016 in Petition No. 156/TT/2015 contending that delay in actual power flow in PKTCL's transmission line from 30.6.2015 to 2.11.2015 was attributable to NHPC. PKTCL claimed the COD of Ckt. I and Ckt. II line as 30.6.2015 while the Commission approved the COD of the assets as 3.11.2015. PKTCL is claiming to recover full transmission charges from NHPC for the period of delay i.e. from 30.6.2015 to 2.11.2015.

4. Learned senior counsel for NHPC sought two weeks' time to file written submissions.

5. The Commission directed the parties to file its written submissions by 15.10.2018. The Commission further observed that no extension of time will be granted.

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

By order of the Commission

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

