

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Review Petition No. 45/RP/2017 in Petition No. 272/TT/2015

Subject : Review Petition No. 45/RP/2017 seeking review of order dated 20.9.2017 in Petition No. 272/TT/2015.

Date of Hearing : 11.5.2018

Coram : Shri A.S. Bakshi, Member
Dr. M. K. Iyer, Member

Petitioner : Power Grid Corporation of India Limited

Respondents : Rajasthan Rajya Vidyut Prasaran Nigam Limited and 17 others

Parties present : Shri Sitish Mukherjee, Advocate, PGCIL
Shri Deep Rao, Advocate, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri Rakesh Prasad, PGCIL
Shri Aryaman Saxena, PGCIL
Shri S.K. Singh, Advocate, DTL
Shri P.K. Shandilya, Advocate, DTL
Shri R.B. Sharma, Advocate, BRPL

Record of Proceedings

Learned counsel for the Review Petitioner submitted that the instant review petition has been filed for review of the Commission's order dated 20.9.2017 in Petition No. 272/TT/2015, wherein it was erroneously recorded that the review petitioner has not pressed for tariff determination for 4 nos. line bays of 220 kV at Saharanpur. The Commission has misinterpreted the submissions placed on record vide affidavit dated 25.5.2016, as the 4 nos. Line bays of 220 kV at Saharanpur were duly put under commercial operation and charged at no load, the connecting downstream network, which was outside the scope of work of the Review Petitioner, was to be commissioned by UPPTCL. Learned counsel further submitted that the Commission has overlooked proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations while not approving the COD of the instant assets. Not considering the RCE constitutes an error apparent on the face of the record, even though RCE was placed before the issue of the impugned order and the completed cost is within the FR cost.

2. Learned counsel for the Delhi Transco Limited (DTL) sought time to file its reply to the petition. The Commission granted one week time to DTL to file its reply.

3. Learned counsel for BRPL submitted that as per Regulation 5 (2) of the 2014 Tariff Regulations, the trial operation in relation to the transmission system shall mean successful charging of the transmission system for 24 hrs at continuous flow of power. Further, the review petitioner has admitted that the bays were charged on "no load" and thus the



requirement of Regulation 5 (2) of the 2014 Tariff Regulations are not met and hence the cost of the line cannot be capitalised. Learned counsel further submitted that with regard to applicability of the second proviso to Regulation 4 (3) of the 2014 Tariff Regulations, the same would not apply where one element of the transmission line is ready and other is not complete. The said proviso is applicable only when all the components of the transmission line are ready but is prevented for use due to some reasons beyond the control of the transmission licensee. With regard to the second issue of non-consideration of RCE and disallowance of time and cost over-run, it was submitted that the Review Petitioner did not furnish reasons for the same. It was further submitted that as per the provisions of Section 11 of Civil Procedural Code, if the Commission does not grant any relief it shall be deemed to have been rejected.

4. In response to the submission of learned counsel for BRPL, the Review Petitioner submitted that trial run is prior to regular service. In the present case, downstream was not ready therefore, trial run was not possible. Secondly, the Review Petitioner has only prayed for approval of transmission tariff of the instant assets and in the impugned order RCE was not considered while considering the cost. Therefore, Section 11 of CPC will not apply in the present case.

5. The Commission directed DTL to file its reply by 18.5.2018 and the Review Petitioner to file its rejoinder, if any, by 1.6.2018. The Commission further observed that if no information is received from the parties within the said timeline, the matter will be decided on the basis of material on record.

6. The Commission reserved the order in the petition.

By order of the Commission

Sd/-

(T. Rout)
Chief (Law)

