

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 61/TT/2018

- Subject** : Determination of transmission tariff from COD to 31.3.2019 for 2 nos. 400 kV Malerkotla bays at 400/220 kV GIS Substation at Kurukshetra under "Provision of 400 kV bays for lines under Northern Region System Strengthening Scheme-XXXI (Part-B)" in Northern Region for 2014-19 period
- Date of Hearing** : 20.9.2018
- Coram** : Shri P.K. Pujari, Chairperson
Dr. M. K. Iyer, Member
- Petitioner** : Power Grid Corporation of India Ltd. (PGCIL)
- Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Limited and 17 Others
- Parties present** : Shri Rakesh Prasad, PGCIL
Shri S.K. Niranjan, PGCIL
Shri V.P. Rastogi, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri S. S. Raju, PGCIL
Shri B. Dash, PGCIL
Shri Neeraj Kumar Verma, NRSS XXXI
Shri R.B. Sharma, Advocate, BRPL & BYPL
Shri Mohit Mudgal, Advocate, BRPL & BRPL

Record of Proceedings

The representative of the petitioner submitted that the scheduled COD of the instant bays was 1.10.2016 against which the actual COD was 1.12.2016. There is time over-run of 2 months. He submitted that the 400 kV bays at Kurukshetra were being constructed by the petitioner for termination of 400 kV D/C Kurukshetra-Malerkotla transmission line built under the TBCB route by NTL. NTL vide its letter dated 1.10.2016 informed the petitioner that the said line would be ready for charging on 30.11.2016 and accordingly the petitioner put bays into commercial operation to match with the TBCB line but NTL delayed the line and charged Ckt-I and II of the line on 15.1.2017 and 16.1.2017 respectively. The representative of the petitioner submitted that as the bays at petitioner's end were delayed by 2 months to match with the timeline provided by NTL, COD of the instant asset may be approved under proviso (ii) of Regulation 4(3) of



2014 Tariff Regulations. He submitted that the petitioner has filed rejoinders to the reply filed by BRPL, UPPCL and NTL.

2. Learned counsel for NTL submitted that NTL is only an inter-State service provider and not the beneficiary of the line. He submitted that its transmission line was delayed as it was affected by force majeure conditions due to NGT order dated 19.5.2016, forest clearance, ROW issues, agitation by farmers, agitation for reservation in Haryana etc. and NTL has filed Petition No.195/MP/2017 claiming force majeure conditions which is pending adjudication before the Commission and requested to list the said petition alongwith the instant petition.

3. Learned counsel for BRPL submitted that the COD of the instant asset cannot be approved under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations in view of the judgment of Hon'ble Supreme Court in the Barh-Balia case and Hon'ble APTEL's judgment dated 18.1.2018 in Appeal No.198 of 2015 and 6 of 2016. He further submitted that TSA as required under Regulation 3(63) of 2014 Tariff Regulations is not filed by the petitioner. He also submitted that the time over-run of 2 months may not be allowed as the same is attributable to the petitioner.

4. The Commission directed the petitioner to submit the following information, on affidavit by 26.10.2018 with an advance copy to the respondents:-

- (a) The Computation of Interest During Construction (IDC) alongwith editable soft copy in Excel format with links for the Asset for the following periods:-
 - Form the date of infusion of debt fund upto Scheduled COD as per Regulation 11(A) (1) of 2014 Tariff Regulations.
 - If case of delay in completion of the Asset, from the Scheduled COD to actual COD of the Asset.
- (b) Statement of discharge of IDC during the period for the Asset.
- (c) Statement of discharge of the Initial Spares, if any, during the period for the Asset;
- (d) Details of IEDC incurred during the period of delay in commissioning of the Asset (i.e. from Scheduled COD to actual COD) alongwith the liquidated damages recovered or recoverable, if any, be furnished.

5. The Commission directed the petitioner to submit the above information within the specified date and observed that if no information is received within the said date, the matter will be disposed on the basis of the information already on record.

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

By order of the Commission

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

