

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 150/TT/2017

Coram:

**Shri P. K. Pujari, Chairperson
Shri A. K. Singhal, Member
Shri A. S. Bakshi, Member
Dr. M. K. Iyer, Member**

Date of Order : 14.03.2018

In the matter of:

Approval of transmission tariff in respect of Kerala portion of 220 kV inter-State Transmission Lines owned by KSEBL connecting Kerala to other States - (1) Kaniyampetta-Kadakola 220 kV SC line (2) Mooziyar-Theni 220 kV SC line (3) Idukki-Udumalpet 220 kV SC line as per the Commission's order dated 12.5.2017 in Petition No. 07/SM/2017 for inclusion in PoC charges in accordance with Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

And in the matter of:

Kerala State Electricity Board Limited
Vydyuthi Bhavanam, Pattom
Thiruvananthapuram-695004

....Petitioner

Vs

1. Tamil Nadu Transmission Corporation Ltd.
144, Anna Salai
Chennai-600002.
2. Karnataka Power Transmission Corporation Ltd.
Kaveri Bhavan,
Bangalore-560009.

...Respondents

For petitioner : Ms. R. S. Sreeja, KSEB
Ms. Sheela M. Daniel, KSEB

For respondents: Shri S. Vallinayagam, Advocate, TANGEDCO



ORDER

The present petition has been filed by Kerala State Electricity Board Ltd. (KSEBL) for approval of transmission tariff in respect of the portion of 220 kV inter-State transmission lines owned by KSEBL connecting Kerala to other States - (1) Kaniyampetta-Kadakola 220 kV SC line (2) Mooziyar-Theni 220 kV SC line (3) Idukki-Udumalpet 220 kV SC line in terms of the Commission's order dated 12.5.2017 in Petition No. 07/SM/2017 for inclusion in PoC charges based on the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as "the 2014 Tariff Regulations").

2. KSEBL has submitted that it filed Petition No.232/TT/2013 claiming tariff for the subject assets in terms of order dated 14.3.2012 in Petition No.15/SM/2012 and the Commission vide order dated 13.10.2015 allowed the Yearly Transmission Charges for 2011-12 to 2014-15 considering the ARR approved by the Kerala State Regulatory Commission (State Commission). KSEBL has further submitted that the instant petition has been filed for determination of tariff for the subject assets for the period 2015-16, 2016-17 and 2017-18.

3. KSEBL has submitted that the State Commission issued the Kerala State Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2014 (hereinafter referred to "2014 Tariff Regulations") in November, 2014. The O&M norms and Return on Equity stipulated in the 2014 Tariff Regulations are not in tune with the National Tariff Policy and Commission's Regulations and would lead to under recovery of the cost and thus severely affect its financial position. KSEBL has



submitted that it filed Writ Petition No.465/2015 against the 2014 Tariff Regulations before the Hon'ble High Court and the Hon'ble High Court issued an interim order directing the State Commission not to reject the tariff petition filed by KSEBL. KSEBL filed petition for ARR for 2015-16 period as per the previous Tariff Regulations on 30.3.2015, but it was not admitted by the State Commission stating that it was not in accordance with the 2014 Tariff Regulations and the tariff approved for 2014-15 was extended by the State Commission upto March, 2017. KSEBL could not file the petition for ARR on the basis of the 2014 Tariff Regulations because it seriously prejudices its interest and it tantamounts to forgoing the relief sought in the Writ Petition. Accordingly, it filed I.A. No.6573 of 2016 before the Hon'ble High Court of Kerala for expediting the matter and for relief but the final verdict is yet to be pronounced in the matter. KSEBL has submitted that in the meanwhile the State Commission determined the ARR and ERC for the years 2016-17 and 2017-18 on the basis of the 2014 Tariff Regulations. KSEBL has submitted that the YTC claimed in the instant petition is based on the ARR approved by the State Commission on the basis of the challenged 2014 Tariff Regulations and has requested to submit revised tariff petition after the pronouncement of the order by the Hon'ble High Court of Kerala.

4. During the hearing on 7.3.2018, the representative of KSEBL requested the Commission to grant liberty to submit revised tariff petition for the subject assets on the basis of the outcome the Writ Petition filed before the Hon'ble High Court of Kerala.

5. We have considered the submissions of KSEBL. Granting YTC for the subject assets on the basis of claim made by KSEBL in the instant petition and revising the



same after the disposal of the Writ Petition No.465/2015 by the Hon'ble High Court of Delhi would amount to duplication of work. Hence, we are not inclined to grant YTC for the subject assets at this stage. The instant petition is disposed with the liberty to KSEBL to approach the Commission with a fresh petition on the basis of the outcome of the Writ Petition No.465/2015.

6. The petition filing fee deposited by KSEBL in the instant petition shall be adjusted in future in petitions filed by KSEBL.

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

sd/-
(A. S. Bakshi)
Member

sd/-
(A. K. Singhal)
Member

sd/-
(P. K. Pujari)
Chairperson

