

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 244/TT/2017

Coram:

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

Date of Order: 8.10.2018

In the matter of:

Approval of transmission tariff for 2016-19 period for 33/220kV, 80/100 MVA GIS Sub-Station Phojal along with 220kV D/C LILO Transmission line.

And in the matter of:

Himachal Pradesh Power Transmission Corporation Limited (HPPTCL)
Himfed Bhawan, Panjari, Shimla-17100 **.....Petitioner**

Vs

1. Kanchanjunga Power Company Private Ltd.,
B-37, 3rd Floor, Sector-1 Noida, Gautam Budh Nagar,
Uttar Pradesh – 201 301.
2. Himachal Pradesh State Electricity Board Ltd.,
Vidyut Bhawan, Shimla, Himachal Pradesh – 171 004.
3. Kestas Hydro Private Ltd.,
M-75, Greater Kailash, New Delhi -110 048.
4. Phozal Power Private Ltd.,
1421- Ansal Tower, 38, Nehru Palace, New Delhi – 110 019.
5. Directorate of Energy (H.P),



Shanti Bhawan, Phase – III, Sector - VI, New Shimla,
Shimla, Himachal Pradesh - 171 009.

6. Power Grid Corporation of India Ltd.,
B-9, Qutab Institutional Area, Katwaria Sarai, New Delhi – 110016.

.....**Respondents**

Parties present : Shri Anand K. Ganesan, Advocate, HPPTCL
Shri Vijay, Advocate, KPCPL
Shri Nishant Kumar, Advocate
Shri Ambuj, Advocate
R. K. Dhiman, HPPTC
Shri I. P. Singh, HPPTCL

ORDER

The petitioner HPPTCL has filed the instant petition for the approval of transmission charges for 2016-19 period for the asset 33/220kV, 80/100 MVA GIS Sub-Station Phojal along with 220kV D/C LILO Transmission line, under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as “the 2014 Tariff Regulations”).

2. HPPTCL was established on 27.8.2008, as an undertaking of Government of Himachal Pradesh with a view to strengthen the transmission network in the state of Himachal Pradesh and to facilitate the evacuation of power from upcoming generating power plants.

3. The petitioner company, HPPTCL, was declared State Transmission



Utility (STU) vide notification no. MPP-A(3)-1/2001-iv dated 10.6.2010 by the Government of Himachal Pradesh and as a result thereof the Himachal Pradesh Electricity Regulatory Commission (HPERC) recognized the HPPTCL as deemed "Transmission Licensee" vide order dated 31.7.2010 in petition no. 32 of 2010.

4. The petitioner states that it comes under purview of the Commission by virtue of second proviso to Section 2(36) of the Electricity Act, 2003. As per this proviso the term inter-state transmission system (ISTS) includes "the conveyance of electricity across the territory of any intervening State as well as conveyance within the State which is incidental to such inter-State transmission of electricity". In view of above, any transmission line that is incidental to inter-state transmission network shall be treated as ISTS. The asset under consideration is incidental to inter-state transmission network as it will evacuate power developed from upcoming Hydro generation and other generation within the State through AD Hydro 220kV D/C transmission line which further connect at 400kV Sub-Station of PGCIL at Nalagarh, Himachal Pradesh. The petitioner further submits that in terms of section 79(1)(d) of the Act, the tariff of such line is required to be determined by the Central Commission.

5. The instant petition covers the following asset:



Transmission Line:

| Particulars | Type of line | S/C or D/C | No. of Sub-Conductors | Voltage level | Line length (Ckt. Km) | Line Length (Km) |
|---|--------------|------------|-----------------------|---------------|-----------------------|------------------|
| 220kV D/C Transmission Line from Phojal Sub-Station to LILO at Patlikul with 220kV D/C AD Hydro Transmission Line | AC | D/C | Single Conductor | 220kV | 2x6.875 | 6.875 |

Sub-Station:

| Particulars | Type of Sub-Station | Voltage level kV | No. of Bays | |
|---|---------------------|------------------|-------------|-----------------|
| | | | 220 kV | 132 kV & below |
| 33/220kV, 80/100 MVA GIS Sub-Station Phojal | GIS | 220 | 2 | 6 No (33kV Bay) |

6. The petitioner submitted that the aforesaid scheme for construction of 33/220kV, 100 MVA Sin-Station at Phojal was approved by the Board of Directors of the petitioner company in its 14th meeting held on 29.3.2012 and has furnished copy of memorandum in support of the same.

7. The petitioner submitted that the COD of the instant asset is 5.6.2016.

8. The matter was earlier heard on 31.5.2018 wherein along with furnishing of other information / clarifications the petitioner was directed to obtain a certificate from the RPC stating that the instant line is an inter-State transmission line and to furnish audited capital cost as on COD on or before



30.6.2018 (non-extendable timeline). In response the petitioner vide its affidavit dated 25.6.2018 has furnished the audited Balance Sheet of HPPTCL for the year ending 31.03.2017. However, it has not furnished the audited capital cost of the instant assets as on COD as directed in the ROP. Further, with regard to RPC certificate, the petitioner submitted that it has already applied for the same in NRPC and as and when received the same will be submitted to the Commission.

9. The matter was again heard on 28.8.2018 wherein along with furnishing of other information / clarifications the petitioner was directed to furnish RPC certificate in respect of the instant asset certifying that the instant transmission line carries inter-state power and auditor certificate or audited Financial Statement in support of its tariff claim, on or before 10.9.2018 (non-extendable timeline). In response, the petitioner vide its affidavit dated 6.9.2018 submitted audited Financial Balance Sheet of HPPTCL for the year ending 31.03.2017. However, it has not furnished the audited capital cost of the instant assets as on COD or its reconciliation with the claimed capital cost as directed in the ROP. Regarding auditor certificate in respect of un-discharged liabilities as on COD, the petitioner submitted that it has taken necessary steps to obtain the same. Further, with regard to RPC certificate, the petitioner submitted that it has already applied for the same and is likely to be issued before 20.9.2018 and as and when received the same will be submitted to the Commission.



10. In spite of the fact that in the interest of justice, the Commission has already granted enough time to the petitioner, the Petitioner has requested for some more time to obtain certificate from NRPC certifying that the instant transmission line carries inter-state power and to furnish audited statement pertaining to un-discharged liabilities as on COD. Further, as stated above the petitioner has not furnished audited capital cost as on COD in spite of the directions in both the ROP's.

11. In this scenario, as the tariff determination for the instant assets is not possible in absence of the RPC certification, audited capital cost as well as un-discharged liabilities position as on COD, we are not inclined to keep this petition pending. Accordingly, we decide to dispose of the same with a liberty to the petitioner to file a fresh petition after the NRPC certification is available.

12. Accordingly, this order disposes of Petition No. 244/TT/2017.

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

Sd/-
(A. K. Singhal)
Member

Sd/-
(P. K. Pujari)
Chairperson

