

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Petition No. 262/TT/2019

- Subject** : Petition for determination Petition for truing up of transmission tariff for 2009-14 period and approval for Fees and Charges for 2014-19 period for Assets-I, II, III and IV under “Fibre Optic Communication System in lieu of existing Unified Load Despatch and Communication (ULDC) Microwave links” in Eastern Region.
- Date of Hearing** : 18.11.2019
- Coram** : Shri P.K. Pujari, Chairperson
Dr. M. K. Iyer, Member
Shri I.S. Jha, Member
- Petitioner** : Power Grid Corporation of India Ltd.
- Respondents** : National Thermal Power Corporation Limited and Others
- Parties present** : Shri R.B. Sharma, Advocate, BSP(H)CL
Shri Mohit Mudgal, Advocate, BSP(H)CL
Ms. Neha Maniktal, Advocate, BSP(H)CL
Shri Amit Kumar Jain, PGCIL
Shri S. S. Raju, PGCIL
Shri Amit Yadav, PGCIL

Record of Proceedings

The representative of the petitioner submitted that they had earlier filed Petition No. 248/TT/2017 for truing up of tariff for 2009-14 period and determination of tariff for 2014-19 period in respect of Asset-I: 17 OPGW links (750 km), Asset-II : 9 OPGW links (approx. 490 km), Asset-III: 10 OPGW links (approx. 440 km) and Asset-IV: 1 no. OPGW WBSETCL Sector portion link (78.26 km). The said petition was disposed of by the Commission permitting to file a fresh true up petition for 2009-14 period and determination of tariff for 2014-19 period as RCE was not approved by the Board of Directors of the petitioner. He submitted that the present petition is filed for truing up of tariff for 2009-14 period and determination of tariff for 2014-19 period in respect of the said assets. He submitted that they have filed all the necessary information for truing up of the tariff and determination of tariff including RCE and prayed that the tariff as prayed may be allowed.

2. Learned counsel for BSPHCL submitted that that there is no provision for determination of tariff for Fee and Charges for Communication System in 2009 Tariff



Regulations. He further submitted that in the present case true up of Fee and Charges for Communication System and their determination is neither covered under Section 28(4) of the Electricity Act, 2003 nor under Regulation 4(1) of 2009 Tariff Regulation nor under Regulation 6(1) of 2014 Tariff Regulations and as such the petition may be returned under Regulation 7(5) of 2014 Tariff Regulations.

3. In response, the representative of the petitioner submitted that admittedly there was no provision in 2009 Tariff Regulations for Fee and Charges of Communication System. He further submitted the issue of Fee and Charges qua 2009-14 tariff period of Communication System has been set at rest by the Commission in Petition No. 68 of 2010 observing that the Commission can specify terms and conditions of tariff even in the absence of regulations.

4. After hearing the parties, the Commission reserved the order in the matter.

By order of the Commission

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(V. Sreenivas)
Dy. Chief (Law)

