

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 61/TT/2018**

- Subject** : Petition for determination of transmission tariff from COD to 31.3.2019 for Asset-I: 2 nos. 400 kV Malerkotla bays at 400/220 kV GIS Sub-station at Kurukshetra under “Provision of 400 kV bays for lines under Northern Region System Strengthening Scheme-XXXI (Part-B)”.
- Date of Hearing** : 12.9.2019
- Coram** : Shri P.K. Pujari, Chairperson  
Dr. M. K. Iyer, Member  
Shri Indu Shekar Jha, Member
- Petitioner** : Power Grid Corporation of India Ltd
- Respondents** : Rajasthan Rajya Vidyut Prasaran Nigam Ltd. (RRVPLN) and 17 Ors.
- Parties present** : Shri M.G. Ramachandran, Senior Advocate, NRSS  
Ms. Petal Chandok, NRSS  
Shri R. B. Sharma, Advocate, BRPL & BYPL  
Shri Mohit Mudgal , Advocate, BRPL & BYPL  
Shri S. S. Raju, PGCIL  
Shri A. K Verma, PGCIL  
Shri Ved Prakash Rastogi, PGCIL  
Shri B.D Das, PGCIL

**Record of Proceedings**

The representative of the petitioner submitted that 400 kV bays at Kurukshetra are being executed by the petitioner for termination of 400 kV D/C Kurukshetra-Malerkotla TBCB transmission line being executed by Essel Group/NTL. He submitted that SCOD of the bays was 1.10.2016 but they were put into commercial operation on 1.12.2016 after a time over-run of 2 months. He submitted that the main reason for time over-run is the delay in COD of the transmission line. NTL through its letter dated 1.10.2016 informed the petitioner that the said line would be ready for charging on 30.11.2016 and accordingly requested the petitioner to put the bays into commercial operation matching with the TBCB line. Accordingly, the petitioner planned the execution of bays to match with the TBCB line and put the same into commercial operation on 1.12.2016. He submitted that NTL charged Ckt-I and II of the line on 15.1.2017 and 16.1.2017 respectively. He further submitted that tariff for 2 bays at Malerkotla line is filed in Petition No. 60/TT/2017 and the bays were put into commercial operation on the day when the Kurukshetra line achieved its COD, i.e. 1.12.2016. The petitioner has claimed the approval of the COD of the instant



bays at Kurukshetra as 1.12.2016 under proviso (ii) of Regulation 4(3) of the 2014 Tariff Regulations.

2. Learned senior counsel for NTL submitted that it has filed Petition No. 195/MP/2017 seeking extension of the scheduled COD and increase in transmission charges due to unforeseen and uncontrollable events with regard to 400 kV D/C Kurukshetra-Malerkotla Line and 400 kV Malerkotla-Amritsar Transmission Line. He further submitted that the Commission vide order dated 29.3.2019 in the said petition extended the SCOD till the actual CODs of Kurukshetra-Malerkotla and Malerkotla-Kurukshetra transmission lines as 18.1.2017 and 27.3.2017 respectively. He submitted that in view of aforesaid order and in terms of clause 11.7 of TSA, NTL is not liable to compensate the petitioner in the instant petition in the form of IDC and IEDC.

3. In response, the representative of the petitioner submitted that in a similar situation in Review Petition No. 7/RP/2017, the Commission held that in case the assets of a transmission service provider are not put to use due to delay in COD of upstream or downstream assets, the IDC and IEDC for the period of delay has to be borne by the party executing the upstream or downstream assets. He further submitted that in similar situation, the Commission in order dated 27.5.2016 in Petition No. 261/TT/2015 observed that transmission charges of the assets shall be borne by Long Term Transmission Customer of the TSA executed by Jabalpur Transmission Company Ltd. under TBCB line, till commissioning of the transmission line and once the associated transmission system is commissioned, the transmission charges shall be shared in terms of Regulation 43 of 2014 Tariff Regulations.

4. Learned counsel for BRPL and BYPL has submitted that until and unless the transmission line along with the switchgear is complete, the tariff cannot be determined. He further submitted that in terms of Regulation 6(1) of 2014 Tariff Regulations, tariff in respect of a transmission system may be determined for whole of the transmission system or transmission line or sub-station or communication system forming part of the transmission system. He submitted that there has to be a transmission line in terms of Section 2(72) of the Electricity Act, 2003 allowing tariff of the present assets. He further submitted that COD of the instant asset cannot be approved under proviso (ii) of Regulation 4(3) of 2014 Tariff Regulations as the line in the present petition is not in regular use.

5. In response, the representative of the petitioner submitted that trial run certificate issued by RLDC dated 2.12.2016 indicates that the bays are complete and energised and the trial operation was successfully completed.

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

**By order of the Commission**

sd/-  
(V. Sreenivas)  
Dy. Chief (Law)

