

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

Review Petition No. 5/RP/2019

in

Petition No. 214/TT/2015 alongwith IA No. 34 of 2019

Coram:

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

Date of Order: 09.05.2019

In the matter of:

Petition for review and modification of the order dated 9.10.2018 in Petition No. 214/TT/2017.

And in the matter of:

Powergrid Corporation of India Limited,
Saudamani, Plot No 2. Sector 29,
Gurgoan 122001,
Haryana.

... Review Petitioner

Vs

1. North-Eastern Electric Power Corporation Limited,
(NEEPCO Limited),
15, NBCC Tower, Bhikaji Cama Place,
New Delhi.
2. National Hydro Power Corporation Limited,
NHPC Office Complex, Lodhi Road,
New Delhi.
3. Assam State Electricity Board,
Bijulee Bhawan, Paltan Bazar,
Guwahati-781 001, Assam.
4. Meghalaya Energy Corporation Limited,
(Formerly Meghalaya State Electricity Board),
Short Round Road,
Shillong-793.



5. Government of Arunachal Pradesh,
Itanagar, Arunachal Pradesh-403 001.
6. Power & Electricity Department,
Government of Mizoram,
Mizoram, Aizwal.
7. Electricity Department,
Government of Manipur,
Keishampat, Imphal.
8. Department of Power,
Government of Nagaland,
Kohima, Nagaland.
9. Tripura State Electricity Corporation Limited,
Bidyut Bhawan, North Banamalipur,
Agartala, Tripura-700 001.
10. DONER Advisor (Power),
Government of India,
North Eastern Council Secretariat,
Shillong, Meghalaya.

....Respondents

For Review Petitioner: Ms. Swapna Seshadri, Advocate, PGCIL
Ms. Ritu Apurva, Advocate, PGCIL
Shri Ashwin Ramnathan, Advocate, PGCIL
Shri S. K. Venkatesan, PGCIL
Shri S. S. Raju, PGCIL
Shri Zafrul Hasan, PGCIL

For Respondents: None

ORDER

This is a review petition filed by Power Grid Corporation of India Ltd. (PGCIL) against the Commission's order dated 9.10.2018 in Petition No. 214/TT/2017.

Background

2. The Commission vide its order dated 9.10.2018 in Petition No. 214/TT/2017 tried up Fees and Charges for 2009-14 tariff block and determined fees and charges for the period 2014-19 tariff block for Fibre Optic Communication System in lieu of



existing Unified Load Despatch and Communication (ULDC) Microwave Links in North Eastern Region.

3. In the impugned order, the Commission observed that Asset –I: OPGW links under Central Sector (37.874 km) and Asset-II: OPGW links under State Sector (79.298 km) both were put into commercial operation on 1.4.2013. The additional capital expenditure for Assets-I and II after their cut-off dates i.e. 31.3.2015 was disallowed by the Commission in the impugned order on the ground that there was no specific provision in the 2014 Tariff Regulations relating to ULDC and Communication System.

4. The Review Petitioner has submitted that Regulation 9 (2) (v) of 2009 Tariff Regulations provides that any expenditure after the cut-off date that has become necessary for the successful and efficient operation can be capitalized. Similarly, Regulation 14(3)(v) of 2014 Tariff Regulations confers power on the Commission to allow additional capital expenditure after the cut-off date. The Review Petitioner in the main petition submitted Auditor's Certificate dated 20.7.2017 containing audited statement of accounts for the period ending 31.3.2017, for expenditure incurred up to 31.3.2017 and expenditure projected to be incurred up to 31.3.2019.

5. Interlocutory Application No. 34 of 2019 has also been filed by the Review Petitioner for condonation of delay 67 days in filing the Review Petition on the ground that delay occurred in filing the Review Petition on account of heavy work load, consultation with advocates and Court vacations.



6. We have considered the submissions of the Review Petitioner. Considering the facts mentioned in IA No. 34 of 2019, the application is allowed and the delay of 67 days in filing the Review Petition is condoned. I.A. No. 34 of 2019 is accordingly disposed of. We admit the Review Petition and direct to issue notice to the respondents.

7. The Review Petitioner is directed serve a copy of the Review Petition on the respondents by 24.5.2019 and the respondents to file their reply by 10.6.2019 and the petitioner to file rejoinder, if any, by 18.6.2019. The parties are directed to comply with the directions within the specified timeline and no extension of time shall be granted.

8. The Review Petition shall be listed for hearing in due course, for which separate notice will be issued.

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

sd/-
(P.K. Pujari)
Chairperson

